

AMANDA EGGERT

| <p style="text-align: center;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA BUTTE DIVISION</p> <hr/> <p>JOHN MEYER, Plaintiff, vs. Cause No. 18-CV-00002-BMM BIG SKY RESORT; SALEWA USA, INC.,</p> <p>Defendants.</p> <hr/> <p>DEPOSITION UPON ORAL EXAMINATION OF AMANDA EGGERT</p> <hr/> <p>BE IT REMEMBERED, that the deposition upon oral examination of AMANDA EGGERT, appearing at the instance of Defendants, was taken at the offices of Crowley Fleck, PLLP, 1915 South 19th Avenue, Bozeman, Montana 59718 on the 28th day of May 2019, beginning at the hour of 10:00 a.m. pursuant to the Federal Rules of Civil Procedure, before Marla Jeske, Court Reporter - Notary Public, CSR.</p> | <p style="text-align: center;">Page 3</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th><th style="width: 70%; text-align: left;">INDEX</th><th style="width: 20%; text-align: right;">PAGE</th></tr> </thead> <tbody> <tr> <td>1</td><td>EXAMINATION OF AMANDA EGGERT BY</td><td style="text-align: right;">PAGE</td></tr> <tr> <td>2</td><td>Mr. Ian McIntosh, Esq.....4, 135</td><td></td></tr> <tr> <td></td><td>Mr. Brad Condra, Esq.....129</td><td></td></tr> <tr> <td>3</td><td colspan="2" style="text-align: left;">EXHIBITS REFERRED TO:</td></tr> <tr> <td>4</td><td>Exhibit 2.....36</td><td></td></tr> <tr> <td>5</td><td>Exhibit 4.....35</td><td></td></tr> <tr> <td>6</td><td>Exhibit 10.....38</td><td></td></tr> <tr> <td>7</td><td>Exhibit 11.....39</td><td></td></tr> <tr> <td>8</td><td>Exhibit 13.....39</td><td></td></tr> <tr> <td>9</td><td>Exhibit 14.....43-44</td><td></td></tr> <tr> <td>10</td><td>Exhibit 16.....46, 60</td><td></td></tr> <tr> <td>11</td><td>Exhibit 17.....47</td><td></td></tr> <tr> <td>12</td><td>Exhibit 18.....47</td><td></td></tr> <tr> <td>13</td><td>Exhibit 20.....48</td><td></td></tr> <tr> <td>14</td><td>Exhibit 21.....56-57</td><td></td></tr> <tr> <td>15</td><td>Exhibit 22.....56</td><td></td></tr> <tr> <td>16</td><td>Exhibit 23.....62-63</td><td></td></tr> <tr> <td>17</td><td>Exhibit 24.....49, 58-60, 63, 72, 84, 101</td><td></td></tr> <tr> <td>18</td><td>Exhibit 25.....50</td><td></td></tr> <tr> <td>19</td><td>Exhibit 26.....99, 107</td><td></td></tr> <tr> <td>20</td><td colspan="2" style="text-align: left;">DEPOSITION EXHIBITS:</td></tr> <tr> <td>21</td><td>Exhibit 57 Amanda's letter to John Meyer, dated Thursday, December 17, 2015.40-41, 44, 55 80-82</td><td></td></tr> <tr> <td>22</td><td>Exhibit 58 Trail Map entitled "The Biggest Skiing in America".....53</td><td></td></tr> <tr> <td>23</td><td>Exhibit 59 Colored Photograph with Red markings.....65-66, 69, 71, 73</td><td></td></tr> <tr> <td>24</td><td>Exhibit 60 Colored Photograph with Blue markings..67-69, 71, 73-75, 135</td><td></td></tr> <tr> <td>25</td><td>Exhibit 61 Big Sky Ski Patrol Witness Statement, dated 12/11/15.....77-79</td><td></td></tr> <tr> <td>26</td><td>Exhibit 62 Amanda Eggert's Resignation Letter.....108-109, 123</td><td></td></tr> <tr> <td>27</td><td>Exhibit 63 Explore Big Sky Newspaper article written by Sarah Gianelli, dated December 22, 2017 - January 4, 2018.....124-125</td><td></td></tr> <tr> <td>28</td><td>Exhibit 64 Facebook correspondence between Amanda Eggert and Carol Van Valkenburg.....126-127</td><td></td></tr> </tbody> </table> | | INDEX | PAGE | 1 | EXAMINATION OF AMANDA EGGERT BY | PAGE | 2 | Mr. Ian McIntosh, Esq.....4, 135 | | | Mr. Brad Condra, Esq.....129 | | 3 | EXHIBITS REFERRED TO: | | 4 | Exhibit 2.....36 | | 5 | Exhibit 4.....35 | | 6 | Exhibit 10.....38 | | 7 | Exhibit 11.....39 | | 8 | Exhibit 13.....39 | | 9 | Exhibit 14.....43-44 | | 10 | Exhibit 16.....46, 60 | | 11 | Exhibit 17.....47 | | 12 | Exhibit 18.....47 | | 13 | Exhibit 20.....48 | | 14 | Exhibit 21.....56-57 | | 15 | Exhibit 22.....56 | | 16 | Exhibit 23.....62-63 | | 17 | Exhibit 24.....49, 58-60, 63, 72, 84, 101 | | 18 | Exhibit 25.....50 | | 19 | Exhibit 26.....99, 107 | | 20 | DEPOSITION EXHIBITS: | | 21 | Exhibit 57 Amanda's letter to John Meyer, dated Thursday, December 17, 2015.40-41, 44, 55 80-82 | | 22 | Exhibit 58 Trail Map entitled "The Biggest Skiing in America".....53 | | 23 | Exhibit 59 Colored Photograph with Red markings.....65-66, 69, 71, 73 | | 24 | Exhibit 60 Colored Photograph with Blue markings..67-69, 71, 73-75, 135 | | 25 | Exhibit 61 Big Sky Ski Patrol Witness Statement, dated 12/11/15.....77-79 | | 26 | Exhibit 62 Amanda Eggert's Resignation Letter.....108-109, 123 | | 27 | Exhibit 63 Explore Big Sky Newspaper article written by Sarah Gianelli, dated December 22, 2017 - January 4, 2018.....124-125 | | 28 | Exhibit 64 Facebook correspondence between Amanda Eggert and Carol Van Valkenburg.....126-127 | |
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| 21 | Exhibit 57 Amanda's letter to John Meyer, dated Thursday, December 17, 2015.40-41, 44, 55 80-82 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p style="text-align: center;">Page 2</p> <p>1 APPEARANCES</p> <p>2 ATTORNEY APPEARING ON BEHALF OF THE PLAINTIFF, JOHN MEYER:</p> <p>3</p> <p>4 Ms. Nadine O. Nadow, Esq. 5 nnadow@gmail.com (978) 501-7045</p> <p>6</p> <p>7 ATTORNEYS APPEARING ON BEHALF OF THE DEFENDANT, BIG SKY RESORT:</p> <p>8</p> <p>9 Mr. Ian McIntosh, Esq. 10 Mr. Mac Morris, Esq. 11 CROWLEY FLECK PLLP 12 1915 South 19th Avenue 13 P.O. Box 10969 14 Bozeman, MT 59719-0969 (406) 556-1430</p> <p>15 ATTORNEY APPEARING ON BEHALF OF THE DEFENDANT, SALEWA USA, INC.:</p> <p>16</p> <p>17 Mr. Brad Condra, Esq. 18 Milodragovich, Dale & Steinbrenner, P.C. 19 P.O. Box 4947 20 Missoula, MT 59806-4947 (406) 728-1455</p> <p>21 ALSO PRESENT:</p> <p>22</p> <p>23 Mike Unruh</p> <p>24</p> <p>25</p> | <p style="text-align: center;">Page 4</p> <p>1 WHEREUPON, the following proceedings were had and testimony taken, to-wit:</p> <p>2</p> <p>3</p> <p>4 * * * * *</p> <p>5</p> <p>6 AMANDA EGGERT, 7 called as a witness herein, having been first duly 8 sworn, was examined and testified as follows:</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. McINTOSH:</p> <p>12 Q. Can you please state your name.</p> <p>13 A. Amanda Eggert.</p> <p>14 Q. And what is your address, Ms. Eggert?</p> <p>15 A. 416 North Wallace Ave, Bozeman, Montana.</p> <p>16 Q. Your telephone number, please?</p> <p>17 A. (406) 370-4936.</p> <p>18 Q. Thank you.</p> <p>19 Have you ever had your deposition taken before?</p> <p>20 A. Once before. About a month ago.</p> <p>21 Q. Why were you deposed about a month ago?</p> <p>22 A. I was involved in a car accident I was 23 in in May of 2015. The insurance companies 24 couldn't reach a settlement, so there's a lawsuit</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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AMANDA EGGERT

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| <p style="text-align: right;">Page 5</p> <p>1 still in progress.</p> <p>2 Q. Did you file that lawsuit or did 3 somebody sue you?</p> <p>4 A. Somebody sued me.</p> <p>5 Q. Who was the person that sued you?</p> <p>6 A. Judy Larson -- or sorry, that's 7 incorrect. It was the two passengers in the other 8 vehicle; Judy Harned and Larry Larson.</p> <p>9 Q. And is that a lawsuit that is pending in 10 Gallatin county here?</p> <p>11 A. No, it's Missoula county.</p> <p>12 Q. The accident took place in Missoula?</p> <p>13 A. Just outside.</p> <p>14 Q. Do you have an attorney in that case?</p> <p>15 A. Yes.</p> <p>16 Q. Who's your attorney?</p> <p>17 A. It is Amanda Duman.</p> <p>18 Q. What is the last name again, Duman?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Can you spell that, please?</p> <p>21 A. D-U-M-A-N.</p> <p>22 Q. Where does Ms. Duman work if you know?</p> <p>23 A. Williams Law Firm I believe is the name.</p> <p>24 Q. Okay. And do you know the name of the 25 attorney that took your deposition?</p> | <p style="text-align: right;">Page 7</p> <p>1 your words and my questions and we need to make a 2 clean record, okay?</p> <p>3 A. Yes.</p> <p>4 Q. And if you are answering a question and 5 if I cut you off and you were not done with your 6 answer, will you please let me know and I'll let 7 you finish your answer?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. If I ask you a question that you 10 do not understand, will you please let me know?</p> <p>11 A. Yes.</p> <p>12 Q. So then, if you answer a question that 13 will mean that you have understood the question; is 14 that right?</p> <p>15 A. That's correct.</p> <p>16 Q. And is there any reason to believe that 17 you cannot give truthful and accurate testimony 18 here today?</p> <p>19 A. Nope.</p> <p>20 Q. Okay.</p> <p>21 A. No.</p> <p>22 Q. Are you on any sort of medications that 23 would affect your memory?</p> <p>24 A. No.</p> <p>25 Q. Good. Let's talk a little bit about</p> |
| <p style="text-align: right;">Page 6</p> <p>1 A. I do not.</p> <p>2 Q. Do you know the status of that lawsuit?</p> <p>3 MS. NADOW: Objection.</p> <p>4 You can answer.</p> <p>5 THE WITNESS: They're still trying to work 6 out a settlement I think.</p> <p>7 BY MR. McINTOSH:</p> <p>8 Q. Okay. And is that the only time you've 9 ever had your deposition taken?</p> <p>10 A. Yes.</p> <p>11 Q. So even though you were just deposed a 12 month ago, do you feel like you are familiar with 13 the process now since you just went through it?</p> <p>14 A. Relatively.</p> <p>15 Q. Okay. Well, just to make sure, I'll go 16 through the rules real quickly, make sure we're on 17 the same page.</p> <p>18 So, of course, we need to talk one at a 19 time. So even if you know exactly what I'm going 20 to ask you, please let me finish my question. Will 21 you do that, please?</p> <p>22 A. Yes.</p> <p>23 Q. And you need to answer out loud, say yes 24 or no. Don't just nod your head because, of 25 course, we have a court reporter taking down all of</p> | <p style="text-align: right;">Page 8</p> <p>1 your background. First of all, tell me where you 2 grew up?</p> <p>3 A. I grew up in Billings, Montana.</p> <p>4 Q. And where did you go to high school?</p> <p>5 A. Senior High.</p> <p>6 Q. When did you graduate?</p> <p>7 A. 2004.</p> <p>8 Q. What did you do after high school?</p> <p>9 A. I went to college at Lewis and Clark 10 College in Portland, Oregon for my freshman year. 11 I took a year off and lived in New Zealand for most 12 of the year and then I transferred to the 13 University of Montana.</p> <p>14 Q. So you did not graduate from Lewis and 15 Clark, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And then you moved to Missoula for a 18 year? Or, excuse me, I'm sorry. Then you moved to 19 New Zealand then for a year?</p> <p>20 A. Yep, most of the year.</p> <p>21 Q. What were you doing in New Zealand?</p> <p>22 A. Working and traveling.</p> <p>23 Q. What type of work were you doing?</p> <p>24 A. I guided canoe trips. I worked in a 25 cafe.</p> |

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| <p style="text-align: right;">Page 9</p> <p>1 Q. What type of canoe trips did you guide? 2 A. Multi-day on the Whanganui River. 3 Q. Was it white water? 4 A. No. 5 Q. Just flat part -- 6 A. Yes. 7 Q. -- basically? 8 Do you have any sort of medical 9 training? 10 A. A little bit. I was a volunteer ski 11 patrol my senior year of high school. I've taken 12 Wilderness First Responder courses through the 13 Forest Service when I worked for them. 14 Q. You said wilderness first responder? 15 A. Uh-huh. 16 Q. Yes? 17 A. Yes. 18 Q. And where were you a volunteer ski 19 patrol? 20 A. Red Lodge Mountain. 21 Q. You're not an EMT; is that correct? 22 A. That's correct. 23 Q. Have you ever been an EMT? 24 A. I have not. 25 Q. Have you ever worked as a professional</p> | <p style="text-align: right;">Page 11</p> <p>1 Q. December. 2 Were you going to school full time from 3 August of '06 through December of '09? 4 A. All but the last semester. My last 5 semester of school I was working part time -- 6 Q. Where were you working part time? 7 A. -- attending part time. 8 I had a variety of positions throughout 9 college. I worked at Finn and Porter at the time 10 and I was also working for the Outdoor Writers 11 Association of America. 12 Q. Did you have any other -- Finn and 13 Porter and working for the Outdoor Writers 14 Association, did you have any other jobs while you 15 were in school in Missoula? 16 A. I worked at Snowbowl as a ski instructor 17 for two seasons. I also worked for the student 18 newspaper. 19 Q. What two seasons did you work as a ski 20 instructor at Snowbowl? 21 A. 2006 to 2007 and 2007 to 2008, if my 22 memory serves me correctly. 23 Q. Just those two seasons? 24 A. Yes. 25 Q. Is that the only time you've worked for</p> |
| <p style="text-align: right;">Page 10</p> <p>1 ski patrol? 2 A. I have not. 3 Q. Have you ever been in the military? 4 A. I have not. 5 Q. And so you spent a year in New Zealand 6 and then you moved back to Missoula? 7 A. Yes. 8 Q. And then did you go to school 9 continuously until you graduated? 10 A. Yes. 11 Q. Did you get a degree? 12 A. Yes. 13 Q. What was your degree in? 14 A. Printed journalism. 15 Q. Print journalism? 16 A. Uh-huh, yes. 17 Q. Yes? Thank you. 18 And what year did you graduate? 19 A. 2009, in December. 20 Q. And were you going to school -- so was 21 it about 2006 when you moved back to Missoula? 22 A. I enrolled at the University of Montana 23 August of 2006. 24 Q. And graduated in May of '09? 25 A. December of 2009.</p> | <p style="text-align: right;">Page 12</p> <p>1 a ski resort? 2 A. Yes. 3 Q. Did you work just part time? 4 A. Yes. 5 Q. And did you ever become certified as a 6 ski instructor? 7 A. I received PSIA Level 1 certification. 8 Q. And as a level one instructor you were 9 qualified to teach beginners; is that correct? 10 A. Yes. 11 Q. Is that who you taught, beginners? 12 A. Yes. 13 Q. Was it primarily little kids? 14 A. Mostly kids. Occasionally, I would 15 teach intermediate skiers. 16 Q. And how often -- when you were working 17 at Snowbowl, how often were you teaching; like once 18 a week, does that sound about accurate? 19 A. It was usually two to three days per 20 week, half days typically. 21 Q. Two to three half days per week for two 22 seasons; is that right? 23 A. Yes. 24 Q. And you did not work on the ski patrol 25 at Snowbowl, correct?</p> |

3 (Pages 9 to 12)

AMANDA EGGERT

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| <p style="text-align: center;">Page 13</p> <p>1 A. Correct.</p> <p>2 Q. Was any part of your job at Snowbowl to 3 mark runs or hazards?</p> <p>4 A. No.</p> <p>5 Q. Do you claim to be an expert in ski 6 mountain operations?</p> <p>7 A. No.</p> <p>8 Q. And tell me what you've done since you 9 graduated from the University of Montana in 10 December of 2009?</p> <p>11 A. I've had a variety of jobs. I was a 12 raft guide on the Stillwater and Clark Fork and 13 Blackfoot Rivers.</p> <p>14 Q. Who were you working for as a raft 15 guide?</p> <p>16 A. 10,000 Waves in Missoula, the University 17 Outdoor Program, also in Missoula, and Absaroka 18 River Adventures in Absarokee.</p> <p>19 Q. What other jobs have you had since 20 you've graduated in 2009?</p> <p>21 A. I worked for the Forest Service for four 22 seasons on wildland fire crews.</p> <p>23 Q. When did you work as a raft guide?</p> <p>24 A. I started working as a raft guide the 25 summer before my junior year of high school. That</p> | <p style="text-align: center;">Page 15</p> <p>1 of 2017?</p> <p>2 A. I've been self-employed as a freelance 3 writer and editor.</p> <p>4 Q. And that's what you're currently doing?</p> <p>5 A. Yes.</p> <p>6 Q. Have you had any other jobs since 7 college that you haven't told me about?</p> <p>8 A. Yes, working seasonally. I had several 9 jobs in the food and beverage industry, restaurant 10 industry. I worked at Clark's Fork for part of a 11 winter. I worked in Alaska at a heli ski lodge for 12 a spring. I've done stagehand work in the last 13 year for MSU and for other event production 14 companies.</p> <p>15 Q. What was the Alaska heli ski operation 16 you worked for?</p> <p>17 A. I was an employee of the Tsaina Lodge, 18 T-S-A-I-N-A. And the operation that was based out 19 of the Tsaina Lodge was Valdez Heli-Ski Guides.</p> <p>20 Q. How long did you work there?</p> <p>21 A. About three months.</p> <p>22 Q. Did you ever get to go heli skiing?</p> <p>23 A. Yes.</p> <p>24 Q. How many days or how many runs I should 25 probably say?</p> |
| <p style="text-align: center;">Page 14</p> <p>1 would have been 2002. Then I worked intermittently 2 until 2011, was my last season I believe.</p> <p>3 Q. And what years were you working for the 4 Forest Service?</p> <p>5 A. I started May of 2010 and my last season 6 was -- sorry, I started May of 2011 and my last 7 season ended the fall of 2014.</p> <p>8 Q. And what were you doing for the Forest 9 Service?</p> <p>10 A. Working on wildland fire crews, two 11 years on hand crews, on a 10-person hand crew, one 12 year on a helitack crew and one year on a 20-person 13 hand crew.</p> <p>14 Q. And what other jobs have you had since 15 you graduated from college?</p> <p>16 A. I took a six-month fellowship with 17 Outside Magazine in Santa Fe. That started October 18 of 2014. In November of 2015 I started work at 19 Outlaw Partners in Big Sky, Montana.</p> <p>20 Q. How long did you work for Outlaw 21 Partners?</p> <p>22 A. Just over two years.</p> <p>23 Q. Until?</p> <p>24 A. December of 2017.</p> <p>25 Q. And where have you worked since December</p> | <p style="text-align: center;">Page 16</p> <p>1 A. Three half days.</p> <p>2 Q. Who runs Valdez Heli Guides, if you 3 know?</p> <p>4 A. At the time it was Scott Raynor, 5 R-A-Y-N-O-R. I don't know if he's still operating 6 it.</p> <p>7 Q. Who was your supervisor?</p> <p>8 A. Meredith Monson, M-O-N-S-O-N.</p> <p>9 Q. And were you able to successfully heli 10 ski without hurting yourself?</p> <p>11 A. Yes.</p> <p>12 Q. Did you wreck and get injured at all?</p> <p>13 A. No.</p> <p>14 Q. Did you live in Big Sky when you went to 15 work for Outlaw Partners?</p> <p>16 A. Yes.</p> <p>17 Q. And so did you move to Big Sky in 18 approximately November of 2015?</p> <p>19 A. Yes.</p> <p>20 Q. And how long did you live in Big Sky?</p> <p>21 A. A little over a year.</p> <p>22 Q. And where did you move after living in 23 Big Sky?</p> <p>24 A. We moved to a house in Bozeman.</p> <p>25 Q. Who's "we"?</p> |

4 (Pages 13 to 16)

AMANDA EGGERT

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| <p style="text-align: right;">Page 17</p> <p>1 A. John Meyer and I.</p> <p>2 Q. Was Mr. Meyer living with you in Big Sky</p> <p>3 at any time?</p> <p>4 A. Yes, for approximately six months.</p> <p>5 Q. When? Starting when?</p> <p>6 A. He moved to Big Sky the spring of 2016,</p> <p>7 and we moved to Bozeman in, I believe it was,</p> <p>8 January of 2017.</p> <p>9 Q. What did you do for Outlaw Partners?</p> <p>10 That's who it was, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Who you worked for, okay.</p> <p>13 What did you do for Outlaw Partners?</p> <p>14 A. I was hired as a staff writer. I was</p> <p>15 promoted to associate editor and then senior</p> <p>16 editor.</p> <p>17 Q. Did you ever write any articles about</p> <p>18 Mr. Meyer's lawsuit, this lawsuit that we're here</p> <p>19 talking about today or his ski accident?</p> <p>20 A. No.</p> <p>21 Q. Did anyone else at Outlaw Partners ever</p> <p>22 write any articles about Mr. Meyer's ski accident</p> <p>23 or ski wreck and this lawsuit?</p> <p>24 A. Yes.</p> <p>25 Q. Who?</p> | <p style="text-align: right;">Page 19</p> <p>1 with two colleagues regarding the publication of</p> <p>2 that article that was pulled.</p> <p>3 Q. Is that everything that you have in your</p> <p>4 possession, custody and control regarding John</p> <p>5 Meyer's ski wreck on December 11, 2015?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. We haven't been going very long.</p> <p>8 We'll only take a short break so we can look at</p> <p>9 these documents that you brought.</p> <p>10 A. Okay.</p> <p>11 Q. You can help yourself to some coffee or</p> <p>12 grab some water or something like that. Thank you.</p> <p>13 (Whereupon, a brief</p> <p>14 recess was taken.)</p> <p>15 BY MR. McINTOSH:</p> <p>16 Q. Okay. We are back on the record. Do</p> <p>17 you understand you're still under oath?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Have you ever worked for Big Sky</p> <p>20 Resort?</p> <p>21 A. I have not.</p> <p>22 Q. Tell me what you did, if anything, to</p> <p>23 prepare for this deposition?</p> <p>24 A. Yes. I spoke with my attorney here and</p> <p>25 she told me to answer as truthfully as possible.</p> |
| <p style="text-align: right;">Page 18</p> <p>1 A. Sarah Gianelli, G-I-A-N-E-L-L-I, wrote a</p> <p>2 story that was pulled from publication.</p> <p>3 Q. Do you have a copy of that story?</p> <p>4 A. Yes.</p> <p>5 Q. Did you bring that with you today?</p> <p>6 A. Yes.</p> <p>7 Q. Can I have that, since she's pointing at</p> <p>8 you?</p> <p>9 MS. NADOW: Um, yeah.</p> <p>10 BY MR. McINTOSH:</p> <p>11 Q. And you were served with a subpoena</p> <p>12 requiring you to appear and produce documents,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And did you -- did the document that you</p> <p>16 just handed us, is that one of the documents that</p> <p>17 you had in your possession and that you are</p> <p>18 producing in response to the subpoena?</p> <p>19 A. Yes.</p> <p>20 Q. Did you bring any other documents in</p> <p>21 response to the subpoena?</p> <p>22 A. Yes. One is a letter I wrote to</p> <p>23 John Meyer when he was in the hospital regarding</p> <p>24 his accident, one is my resignation letter to</p> <p>25 Outlaw Partners, and one is correspondence I had</p> | <p style="text-align: right;">Page 20</p> <p>1 Q. Anything else?</p> <p>2 A. I reviewed the documents that I</p> <p>3 submitted to you.</p> <p>4 Q. The documents that you just brought in</p> <p>5 response to the subpoena?</p> <p>6 A. Yes.</p> <p>7 Q. Anything else?</p> <p>8 A. No.</p> <p>9 Q. Did you speak with John Meyer?</p> <p>10 A. We've been talking about his lawsuit</p> <p>11 basically since it was filed. It comes up in</p> <p>12 conversation.</p> <p>13 Q. And what have you discussed about his</p> <p>14 lawsuit with Mr. Meyer?</p> <p>15 A. He gives me status updates.</p> <p>16 MS. NADOW: Objection; privilege, spousal</p> <p>17 privilege.</p> <p>18 BY MR. McINTOSH:</p> <p>19 Q. When did you and Mr. Meyer get married?</p> <p>20 A. September of 2018.</p> <p>21 Q. And you talked with Mr. Meyer about the</p> <p>22 lawsuit long before you were married, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Can you please tell me about your</p> <p>25 conversations with Mr. Meyer about the lawsuit</p> |

5 (Pages 17 to 20)

AMANDA EGGERT

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| <p style="text-align: right;">Page 21</p> <p>1 before you were married for now?</p> <p>2 A. There have been so many. It's hard to 3 recall them in detail. We've talked about it 4 extensively.</p> <p>5 Q. If you can just do the best you can, 6 please.</p> <p>7 A. Can you be more specific in your 8 question?</p> <p>9 Q. I just want you to give me the best 10 recollection that you can of what you've talked 11 about with Mr. Meyer about this lawsuit.</p> <p>12 A. Before he filed it we spoke about his 13 plans to file it. We talked about the impact to my 14 job being that Big Sky is such a small community. 15 And since the lawsuit was filed we've talked about 16 where it is in status, in addition to logistical 17 things, like the trip to Butte I made this past 18 winter for the procedural hearing.</p> <p>19 Q. Anything else that you can remember?</p> <p>20 A. As his spouse, the lawsuit has a lot of 21 bearing on me, so. Since we've been married we've 22 also talked about the impact for our relationship 23 and we've talked about it with a counselor a little 24 bit as well.</p> <p>25 Q. Earlier you said you spoke with</p> | <p style="text-align: right;">Page 23</p> <p>1 Q. Anything else that you discussed with 2 Ms. Nadow?</p> <p>3 A. No.</p> <p>4 Q. How do you know Ms. Nadow?</p> <p>5 A. She's a colleague of my husband's.</p> <p>6 Q. A colleague where?</p> <p>7 A. She lives in Colorado now, but they know 8 each other through John's work with Cottonwood 9 Environmental Law Center years back.</p> <p>10 Q. And when did Ms. Nadow start becoming 11 involved in this litigation to your knowledge?</p> <p>12 A. Last week to my recollection.</p> <p>13 Q. And have you spoken with anyone other 14 than Ms. Nadow and Mr. Meyer about this deposition?</p> <p>15 A. Close friends and family know that this 16 is happening today. A few friends familiar with 17 the lawsuit have asked for status updates, so they 18 know I'm being deposed today.</p> <p>19 Q. Who are those people?</p> <p>20 A. My parents, Jeff Eggert and Cindy 21 Eggert; my twin sister, Tawny Eggert; my older 22 sister, Chandra Eggert. I imagine I've told all 23 four of them about it. Another friend named Buzz 24 Davis that I'm working with is also aware that I am 25 participating in a deposition. Other friends I</p> |
| <p style="text-align: right;">Page 22</p> <p>1 Ms. Nadow? Did I pronounce that --</p> <p>2 MS. NADOW: Nadow.</p> <p>3 BY MR. McINTOSH:</p> <p>4 Q. Nadow, excuse me. Ms. Nadow, to prepare 5 yourself for the deposition; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And I think you referred to her as your 8 attorney, is that --</p> <p>9 A. I did. That was probably an error.</p> <p>10 Q. Okay. So she represents Mr. Meyer, 11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. What's your understanding?</p> <p>14 A. That's my understanding.</p> <p>15 Q. Okay. Is it your understanding that she 16 represents you personally?</p> <p>17 A. No, I'm not a plaintiff on this lawsuit.</p> <p>18 Q. Okay. Is there anything else that you 19 discussed with Ms. Nadow?</p> <p>20 A. Just general procedural stuff for what 21 to expect for today.</p> <p>22 Q. Such as?</p> <p>23 A. Format, kinds of questions I might be 24 asked. Um, the documents that I presented earlier 25 she's also seen.</p> | <p style="text-align: right;">Page 24</p> <p>1 might have had a conversation with include Melody 2 Tribble, Tyler Allen, and Robbin Goldblatt.</p> <p>3 Q. I'm sorry, what was the last name?</p> <p>4 A. Robbin Goldblatt, G-O-L-D-B-L-A-T-T.</p> <p>5 Q. Is there anyone else you've spoken to 6 about this deposition that you can recall?</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. Let's talk about your skiing background. 9 How long have you been skiing?</p> <p>10 A. Since I was about five years old.</p> <p>11 Q. And where did you grow up skiing?</p> <p>12 A. Red Lodge Mountain.</p> <p>13 Q. Can you describe your skiing ability?</p> <p>14 A. I ski expert runs typically without 15 problem.</p> <p>16 Q. Do you -- say before this lawsuit was 17 filed, if you were skiing at Big Sky on a day and 18 it was, you know, decent conditions, where would 19 you ski?</p> <p>20 A. Headwaters, Liberty Bowl, Challenger 21 lift, the triple chair.</p> <p>22 Q. Do you ski Big Couloir often?</p> <p>23 A. I have never skied the Big Couloir.</p> <p>24 Q. How about North Summit Snowfield?</p> <p>25 A. I have not.</p> |

6 (Pages 21 to 24)

AMANDA EGGERT

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| Page 25 | Page 27 |
| <p>1 Q. How about the Dictator Chutes?</p> <p>2 A. I have not.</p> <p>3 Q. Gullies?</p> <p>4 A. I have not.</p> <p>5 Q. Lenin, Marx?</p> <p>6 A. Nope. No.</p> <p>7 Q. Have you ever been injured when skiing?</p> <p>8 A. Nothing that required care from a ski patrol or hospital care.</p> <p>9 Q. Maybe just some minor injuries then?</p> <p>10 A. I'm sure I have. None come to mind.</p> <p>11 Q. Like falling, getting a bruise or something like that?</p> <p>12 A. Yes.</p> <p>13 Q. You've never received medical care as a result of a ski accident though or a ski wreck?</p> <p>14 A. No.</p> <p>15 Q. Do you -- when you're skiing, do you try to maintain control of your speed?</p> <p>16 A. Yes.</p> <p>17 Q. Why?</p> <p>18 A. To prevent injury.</p> <p>19 Q. Do you try to maintain control of your direction of travel?</p> <p>20 A. Yes.</p> | <p>1 at Big Sky before that '15, '16 season?</p> <p>2 A. That's correct.</p> <p>3 Q. And you know that December 11, 2015 is the day that Mr. Meyer wrecked and was injured when you were skiing with him, correct?</p> <p>4 A. Yes.</p> <p>5 Q. How many days have you skied at Big Sky since December 11, 2015?</p> <p>6 A. Fewer than 20.</p> <p>7 Q. A couple times Mr. Meyer -- well, I shouldn't say "a couple." At least one, maybe more times, Mr. Meyer came to Big Sky and thanked the ski patrol for saving his life, are you aware of that?</p> <p>8 A. Yes.</p> <p>9 Q. Were you with him when Mr. Meyer came to Big Sky and thanked the ski patrol for saving his life?</p> <p>10 A. Yes.</p> <p>11 Q. Was that just one occasion or multiple occasions?</p> <p>12 A. Just one comes to mind.</p> <p>13 Q. And when was that, if you recall?</p> <p>14 A. Toward the end of the season 2016.</p> <p>15 Q. What do you remember Mr. Meyer saying to</p> |
| Page 26 | Page 28 |
| <p>1 Q. And do you do that to prevent injury as well?</p> <p>2 A. Yes.</p> <p>3 Q. You had a free season ski pass at Big Sky for the '15, '16 ski season, correct?</p> <p>4 A. Yes, it was a media pass.</p> <p>5 Q. That you received through your work?</p> <p>6 A. Yes.</p> <p>7 Q. And prior to that ski season, how much experience did you have skiing at Big Sky?</p> <p>8 A. If I were to guess I would say somewhere between five and ten days skiing from when I was in junior high school.</p> <p>9 Q. I'm sorry, how many days did you say again?</p> <p>10 A. I would guess five to ten days in the two decades before I took the position at Outlaw.</p> <p>11 Q. And how many days had you skied -- if you can recall, how many days had you skied at Big Sky during the 2015/2016 ski season before December 11, 2015?</p> <p>12 A. There's probably data on my pass, but I would say that was my second or third day of the season.</p> <p>13 Q. Okay. And you had never had a ski pass</p> | <p>1 the ski patrol?</p> <p>2 A. Someone gave an introduction to John to explain who he was and why he was speaking with the patrol. I don't recall if that person also gave an overview of the accident or if John explained what had happened in the accident. Primarily he expressed his gratitude to the ski patrol for responding so quickly and effectively.</p> <p>3 Q. What did he explain happened in the accident?</p> <p>4 A. I don't recall if he gave that description or if it came from the patroller who introduced him.</p> <p>5 Q. Okay. Did Mr. Meyer, when he was thanking the ski patrol for saving his life, did he say that this area should have been marked?</p> <p>6 A. I don't believe he said anything about signs during that meeting.</p> <p>7 Q. Did he make any criticism of the ski patrol during that meeting?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Now you understand from your work as a ski instructor, that the group of people that make the decision about where and when to put up signs is the ski patrol, right?</p> |

7 (Pages 25 to 28)

AMANDA EGGERT

| Page 29 | Page 31 |
|---|---|
| <p>1 A. I understand that signage is typically 2 handled by ski patrol.</p> <p>3 Q. Can you -- this is a book in front of 4 you of deposition exhibits. Can you just turn real 5 quick to Exhibit 24?</p> <p>6 A. (Witness Complies.)</p> <p>7 Q. Do you have Exhibit 24 in front of you?</p> <p>8 A. I do.</p> <p>9 Q. Do you recognize what's shown in 10 Exhibit 24?</p> <p>11 A. It looks like a ski run. I couldn't say 12 which one exactly it is or from what vantage it was 13 taken.</p> <p>14 Q. Okay. We'll come back to that in just a 15 little bit.</p> <p>16 On December 11, 2015 you were not 17 wearing a helmet; is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Why were you not wearing a helmet?</p> <p>20 A. Given that I had had so few injuries, I 21 didn't feel it was necessary. And I recalled when 22 I was a volunteer ski patrol one of my mentors 23 there saying "The best thing to protect your bean 24 is your bean." So that was something that I had 25 considered.</p> | <p>1 correct?</p> <p>2 A. To the best of your ability. None of us 3 has 360 degrees of vision.</p> <p>4 Q. What type of equipment were you skiing 5 on in December 11, 2015?</p> <p>6 A. It was a back country setup. Black 7 Diamond skis and Marker binders, Black Diamond 8 boots.</p> <p>9 Q. Marker bindings?</p> <p>10 A. Yes.</p> <p>11 Q. What type of Marker bindings?</p> <p>12 A. I think the model name is Duke. They 13 allow for uphill and downhill travel.</p> <p>14 Q. Had you ever skied with John Meyer 15 before December 11, 2015?</p> <p>16 A. No.</p> <p>17 Q. Were you and Mr. Meyer dating prior to 18 December 11, 2015?</p> <p>19 A. We were friends, but I wouldn't say we 20 were dating at that time.</p> <p>21 Q. When did you -- in your view when did 22 you start dating Mr. Meyer?</p> <p>23 A. Late January or early February of 2016.</p> <p>24 Q. Can you describe Mr. Meyer's skiing 25 ability when you started skiing with him on</p> |
| <p style="text-align: center;">Page 30</p> <p>1 Q. What did that saying mean to you, "The 2 best thing to protect your bean is your bean"?</p> <p>3 A. To me that means be intentional when you 4 ski and you can generally avoid injury.</p> <p>5 Q. By maintaining control of your speed and 6 course, correct?</p> <p>7 A. By skiing in control.</p> <p>8 Q. Not running into plainly obvious 9 hazards, right?</p> <p>10 A. That's part of skiing in control.</p> <p>11 Q. For example, if someone just runs into a 12 plainly obvious tree, that would be the skier's 13 responsibility, correct?</p> <p>14 A. That gets a little bit muddy. There are 15 other things to consider, including a sudden change 16 in snow quality, gear malfunctions, perhaps another 17 skier cuts you off. There are other factors that 18 play at times.</p> <p>19 Q. And those are all things you have to be 20 aware of as a skier, right?</p> <p>21 A. It certainly helps.</p> <p>22 Q. You have to be aware of changing snow 23 conditions, right?</p> <p>24 A. Ideally, yes.</p> <p>25 Q. You have to be aware of other skiers,</p> | <p style="text-align: center;">Page 32</p> <p>1 December 11, 2015?</p> <p>2 A. I would say he was an intermediate 3 skier.</p> <p>4 Q. Did he appear to know his way around Big 5 Sky?</p> <p>6 A. I think he had skied there before, but 7 he didn't seem particularly familiar with the 8 mountain.</p> <p>9 Q. Mr. Meyer testified that he always skied 10 fast, would you agree with that?</p> <p>11 A. That day he was consistently skiing 12 fast.</p> <p>13 Q. Faster than you?</p> <p>14 A. At times. I don't recall that either 15 one of us was arriving at the base of the chairlift 16 consistently before the other.</p> <p>17 Q. And on December 11, 2015 you were living 18 in Big Sky; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Where were you living?</p> <p>21 A. Off of Gallatin Road, approximately 22 eleven miles south of the turnoff to Big Sky from 23 Highway 191.</p> <p>24 Q. Were you living with anyone else?</p> <p>25 A. No.</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 Q. Was there -- did you own or rent? 2 A. Rent. 3 Q. And who were you renting from? 4 A. A contractor named Scott. 5 Q. Do you remember his last name? 6 A. I can check my phone. It's probably in 7 there. 8 Q. We'll do that on a break. 9 A. Okay. 10 Q. Do you remember what you did the night 11 before on December 10th? 12 A. I don't. 13 Q. Do you remember if on the 11th you were 14 hung over or anything like that? 15 A. I was not. 16 Q. How do you know that you were not? 17 A. I remember being pretty clear headed the 18 day of the accident. And being that I planned to 19 work the afternoon of December 11th, it would have 20 been uncharacteristic of me to be irresponsible the 21 night before. 22 Q. What time did you plan to work in the 23 afternoon of the 11th? 24 A. I don't believe my boss and I agreed to 25 a specific time, just that I would come to the</p> | <p style="text-align: right;">Page 35</p> <p>1 separately. I think I parked around 9:30 a.m. and 2 we met near the ticket window. We took one or two 3 runs on Swift Current. I texted a colleague of 4 mine at Outlaw Partners for recommendations of 5 where to ski. He said he'd heard there was good 6 skiing under the Challenger lift. 7 Q. Let me ask you a couple questions -- a 8 couple detailed questions there. First, can you 9 look at Exhibit 4 there? 10 A. (Witness complies.) 11 Q. I think you're looking at 3. Can you go 12 one more? 13 A. Yep. 14 Q. Do you see at the top left this has your 15 name? 16 A. Yes. 17 Q. And then under December 11 it 18 says -- December 11, 2015 it says 11:30 a.m.? 19 A. Yes. 20 Q. And I'll tell you that the evidence in 21 this case will show that's actually eastern time, 22 so that would be 9:30 a.m.? 23 A. Okay. 24 Q. Does that comport with your memory? In 25 other words, do you remember loading the Swift</p> |
| <p style="text-align: right;">Page 34</p> <p>1 office in the afternoon. 2 Q. Tell me how it was that you and 3 Mr. Meyer came to be skiing together on December 4 11, 2015? 5 A. We'd met earlier that year at a writing 6 conference and we had stayed in touch since. 7 Q. Where was the writing conference? 8 A. It was held at Chico Hot Springs. 9 Q. So how did you make plans to go skiing 10 on December 11th? 11 A. We coordinated via technology since he 12 was living in Missoula at the time. That might 13 have been e-mail, phone or text. 14 Q. Was it your idea to go skiing on the 15 11th or was it his? 16 A. I think I brought up the promotion for a 17 discounted lift ticket in conversation to him and 18 he decided to come up from Missoula. 19 Q. Okay. So let's just start off that 20 morning. What I want you to do is just 21 describe -- starting the morning of December 11, 22 2015, describe what happened in as much detail as 23 you can and I'll probably ask you a few questions 24 as we go. 25 A. Okay. John and I drove to the ski area</p> | <p style="text-align: right;">Page 36</p> <p>1 Current chairlift at 9:30 a.m. on December 11, 2 2015? 3 A. Pretty close to 9:30 a.m., within maybe 4 15 minutes. 5 Q. With Mr. Meyer? 6 A. Yes. 7 Q. Did you take any runs before that? 8 A. No. 9 Q. So if your pass was scanned at 9:30 a.m. 10 on Swift Current, it's your belief that that would 11 have been your first run of the day? 12 A. Yes. 13 Q. Okay. Where did you meet Mr. Meyer 14 again? 15 A. Near the ticket window. 16 Q. Look back at Exhibit 2. 17 A. (Witness complies.) 18 Q. Do you recognize Exhibit 2 as being the 19 ticket window at the base of Big Sky? 20 A. Yes. 21 Q. And is that nearby where you met 22 Mr. Meyer? 23 A. Within 30 or 40 feet I would say. 24 Q. Okay. Where was it where, if you can 25 recall, where he was exchanging cans of food for a</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 lift ticket?</p> <p>2 A. He had already obtained his lift ticket</p> <p>3 when I met him, so I'm not certain where he got it.</p> <p>4 Q. Okay. You just know that you met him</p> <p>5 somewhere near this ticket window; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Did you do anything after you met him</p> <p>8 before you started skiing?</p> <p>9 A. Not that I recall.</p> <p>10 Q. Okay. And then I think you said you</p> <p>11 took one or two runs on Swift Current to start off?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember where you skied on Swift</p> <p>14 Current?</p> <p>15 A. I don't.</p> <p>16 Q. Do you remember what the conditions were</p> <p>17 like that day?</p> <p>18 A. It was early season. So there were lots</p> <p>19 of rocks and little trees.</p> <p>20 Q. Do you remember signs being up warning</p> <p>21 people of early season conditions?</p> <p>22 A. I don't specifically remember them.</p> <p>23 Q. Do you deny that they were up?</p> <p>24 A. No, they very well could have been.</p> <p>25 Q. Okay. And do you remember where you</p> | <p style="text-align: right;">Page 39</p> <p>1 A. Perhaps. Do you have a trail map I</p> <p>2 could confirm?</p> <p>3 Q. Well, I'll ask you a different way.</p> <p>4 Other than taking this cat track that is shown in</p> <p>5 Exhibit 11, how else would you have gotten from the</p> <p>6 top of Swift Current over to the Challenger lift</p> <p>7 considering the early season conditions?</p> <p>8 A. I'm not familiar enough with the</p> <p>9 mountain to say if there was another route that was</p> <p>10 open at that time.</p> <p>11 Q. Okay. Do you remember skiing what is</p> <p>12 shown in Exhibit 11 prior to Mr. Meyer's ski wreck?</p> <p>13 A. I don't recall skiing this, but I might</p> <p>14 have.</p> <p>15 Q. Okay. Please look at Exhibit 13.</p> <p>16 A. (Witness Complies.)</p> <p>17 Q. Do you recognize what's shown in Exhibit</p> <p>18 13?</p> <p>19 A. It looks like a run but I couldn't say</p> <p>20 offhand which one it is.</p> <p>21 Q. Okay. Do you remember skiing by the</p> <p>22 area shown in Exhibit 13 prior to the time</p> <p>23 Mr. Meyer wrecked?</p> <p>24 A. I don't recall if I did or not.</p> <p>25 Q. Okay. Among the documents you produced</p> |
| <p style="text-align: right;">Page 38</p> <p>1 skied from approximately 9:30 until -- let's just</p> <p>2 say for the first hour?</p> <p>3 A. First we skied Swift Current and then we</p> <p>4 moved to Challenger. All of the runs we skied that</p> <p>5 day were accessed off of one of those two lifts.</p> <p>6 Q. And so please look at Exhibit 10.</p> <p>7 A. (Witness complies.)</p> <p>8 Q. Do you have exhibit -- that's 9. Go one</p> <p>9 more, please.</p> <p>10 Do you have Exhibit 10 in front of you?</p> <p>11 A. Yes.</p> <p>12 Q. And is what is shown in Exhibit 10 the</p> <p>13 path you took to get from the top of Swift Current</p> <p>14 over to the base of Challenger or at least part of</p> <p>15 the path?</p> <p>16 A. It might be. We would have unloaded</p> <p>17 from Swift Current and taken our right, heading off</p> <p>18 the hill toward the Challenger lift. But I don't</p> <p>19 recall precisely which run we took to get to</p> <p>20 Challenger.</p> <p>21 Q. Well, look at Exhibit 11, please, the</p> <p>22 next exhibit.</p> <p>23 A. (Witness complies.)</p> <p>24 Q. You would have taken this cat track to</p> <p>25 get over the Challenger lift, correct?</p> | <p style="text-align: right;">Page 40</p> <p>1 in response to the subpoena today, is one</p> <p>2 document -- it's a typed out document. It says</p> <p>3 "Thursday, December 17, 2015" at the top; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. I'm going to mark that as the next</p> <p>7 exhibit, which I believe is 57.</p> <p>8 (Whereupon, Deposition</p> <p>9 Exhibit Number 57 was</p> <p>10 marked for identification.)</p> <p>11 BY MR. MCINTOSH:</p> <p>12 Q. I'm handing you Exhibit 57. Do you have</p> <p>13 that in front of you now?</p> <p>14 A. I do.</p> <p>15 Q. Can you please describe to me what</p> <p>16 Exhibit 57 is?</p> <p>17 A. This is a letter I wrote to John when he</p> <p>18 was still in the hospital regarding the day of his</p> <p>19 accident.</p> <p>20 Q. And it's dated December 17th, 2015;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Is that when you wrote it?</p> <p>24 A. Yes.</p> <p>25 Q. And did you speak with Mr. Meyer before</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 December 11 -- excuse me, before December 17, 2015?</p> <p>2 A. I don't think John was speaking at that 3 point. He was either still intubated or not 4 mentally present enough to speak or his throat hurt 5 too much, but he wasn't talking at that point.</p> <p>6 Q. Okay. So you had not spoken with 7 Mr. Meyer from the time of his ski wreck until you 8 wrote what is now marked as Exhibit 57; is that 9 correct?</p> <p>10 A. To the best of my recollection. It 11 could depend on when he was first able to talk 12 after the breathing tube was removed, but to the 13 best of my recollection that happened after 14 December 17th.</p> <p>15 Q. Okay. So in the first paragraph you say 16 "I promised I would, so I will. I'm going to write 17 about the hours preceding your arrival at the 18 Billings Clinic, a stretch of hours you may never 19 remember." Did I read the first paragraph 20 correctly?</p> <p>21 A. Yes.</p> <p>22 Q. So you said "I promised I would." Who 23 did you promise that you would?</p> <p>24 A. John.</p> <p>25 Q. But you told me that you hadn't spoken</p> | <p style="text-align: right;">Page 43</p> <p>1 Q. So as I understand it, I think you said 2 earlier that you texted a colleague about skiing on 3 Challenger?</p> <p>4 A. Yes.</p> <p>5 Q. And he said it was good skiing?</p> <p>6 A. Yeah, that was his understanding, is 7 skiing was good that day on Challenger.</p> <p>8 Q. So was it your suggestion to go to 9 Challenger?</p> <p>10 A. It likely was my suggestion.</p> <p>11 Q. And you knew in making that suggestion 12 that Challenger serves expert terrain, right?</p> <p>13 A. Intermediates and experts, yes.</p> <p>14 Q. Well, let's look at Exhibit 14, please.</p> <p>15 A. (Witness complies.)</p> <p>16 Q. Do you recognize Exhibit 14?</p> <p>17 A. It looks like the sign at the unloading 18 area for the top of the Challenger lift. It might 19 be at the bottom of Challenger lift.</p> <p>20 Q. Do you recognize this sign as being at 21 the bottom of Challenger lift? Do you see how it 22 says "Welcome to Challenger lift" top left of the 23 sign?</p> <p>24 A. I do see that.</p> <p>25 Q. Would that make much sense to you that</p> |
| <p style="text-align: right;">Page 42</p> <p>1 with him from the time of the accident until you 2 wrote this?</p> <p>3 A. That's correct. I -- this is one of a 4 series of letters that I wrote to him when he was 5 in the hospital.</p> <p>6 Q. But who did you promise that you would?</p> <p>7 A. In an earlier letter I think I 8 referenced that I would write about what happened 9 the day of his ski accident.</p> <p>10 Q. So you did write him earlier letters?</p> <p>11 A. Yes.</p> <p>12 Q. Where are those letters?</p> <p>13 A. They're on my computer. I think he 14 might have them as well.</p> <p>15 Q. Okay. You haven't -- you didn't produce 16 those?</p> <p>17 A. No. They're more personal and they 18 pertain more to his hospital stay than they do to 19 the actual accident preceding the hospital stay.</p> <p>20 Q. Okay. But they deal with his hospital 21 stay?</p> <p>22 A. They do.</p> <p>23 Q. Okay. Will you produce those letters?</p> <p>24 A. Yeah. Yes. They're quite personal, but 25 yes.</p> | <p style="text-align: right;">Page 44</p> <p>1 that would be at the top of the chairlift?</p> <p>2 A. It would be more beneficial at the 3 bottom.</p> <p>4 Q. Do you recall seeing this sign before 5 you and Mr. Meyer boarded the Challenger chairlift 6 on December 11, 2015?</p> <p>7 A. I don't specifically recall, but it was 8 three and a half years ago now.</p> <p>9 Q. This sign shown in Exhibit 14 states 10 that Challenger lift expert -- or, excuse me, the 11 Challenger lift serves most difficult, experts only 12 terrain, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you know that before you took the 15 Challenger chairlift with Mr. Meyer?</p> <p>16 A. I can't remember if this was the first 17 time I had skied Challenger that season. So it's 18 likely -- it's possible that I was already familiar 19 with the terrain Challenger serves. But I can't 20 recall for certain if this was my very first run on 21 Challenger for the 2015 season or if I'd skied it 22 prior to that.</p> <p>23 Q. And in Exhibit 57 you describe what you 24 remember happening before Mr. Meyer's ski wreck; is 25 that right?</p> |

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| <p style="text-align: right;">Page 45</p> <p>1 A. Yes.</p> <p>2 Q. And based on what you wrote here, it</p> <p>3 looks like Mr. Meyer was -- Mr. Meyer wrecked and</p> <p>4 was injured on your third lift on the Challenger</p> <p>5 run that day; is that correct?</p> <p>6 A. That's what I recalled when I wrote the</p> <p>7 letter.</p> <p>8 Q. Okay. So let's talk about the first run</p> <p>9 that you took on Challenger on December 11, 2015.</p> <p>10 Do you recall where you came down the first time?</p> <p>11 A. I don't.</p> <p>12 Q. Do you recall seeing signs at the top of</p> <p>13 Challenger that said "Warning, unmarked obstacles"?</p> <p>14 A. I don't specifically recall seeing them.</p> <p>15 Q. What would a sign that says, "Warning,</p> <p>16 unmarked obstacles" mean to you?</p> <p>17 A. Just that, that obstacles exist on the</p> <p>18 runs that are not flagged or signed.</p> <p>19 Q. And you, of course, already knew that</p> <p>20 though as a ski patroller, correct?</p> <p>21 A. Knew what?</p> <p>22 Q. Excuse me -- strike that.</p> <p>23 You knew as a ski instructor that there</p> <p>24 are unmarked obstacles on ski runs, correct?</p> <p>25 A. I know that it's common.</p> | <p style="text-align: right;">Page 47</p> <p>1 Q. Do you recognize this as being the</p> <p>2 Challenger chairlift?</p> <p>3 A. Without more context I couldn't say.</p> <p>4 Q. Okay. Turn to Exhibit 17.</p> <p>5 A. (Witness complies.)</p> <p>6 Q. Do you have Exhibit 17 in front of you?</p> <p>7 A. I do.</p> <p>8 Q. Do you recognize what's shown in Exhibit</p> <p>9 17 as being the top of the Challenger chairlift?</p> <p>10 A. That looks consistent with my memory.</p> <p>11 Q. And does this look like an area you</p> <p>12 would want to ski, what is shown in Exhibit 17?</p> <p>13 A. No.</p> <p>14 Q. And I don't see any ski tracks in</p> <p>15 Exhibit 17, do you?</p> <p>16 A. I do not.</p> <p>17 Q. Turn to Exhibit 18, please.</p> <p>18 A. (Witness complies.)</p> <p>19 Q. Do you recognize what's shown in Exhibit</p> <p>20 18?</p> <p>21 A. This looks like the very top of the ski</p> <p>22 lift.</p> <p>23 Q. Okay. So would you agree that what's</p> <p>24 shown in Exhibit 18 is what you see taking a left</p> <p>25 off the top of the Challenger chairlift?</p> |
| <p style="text-align: right;">Page 46</p> <p>1 Q. But you don't recall where you went down</p> <p>2 your first run on Challenger with Mr. Meyer?</p> <p>3 A. I don't. One of the runs that we took</p> <p>4 on Challenger we took on skier's left. And to the</p> <p>5 best of my recollection, all of the runs we skied</p> <p>6 on Challenger that day were accessed from the left</p> <p>7 as you unload the chairlift.</p> <p>8 Q. Okay.</p> <p>9 A. But beyond that, I can't recall with</p> <p>10 specificity.</p> <p>11 Q. So on your left as you're coming up the</p> <p>12 chairlift?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. Looker's left.</p> <p>16 Q. Yeah. So look at -- where is that?</p> <p>17 Well, let's start with Exhibit 16. Can you turn to</p> <p>18 Exhibit 16?</p> <p>19 A. (Witness Complies.)</p> <p>20 Q. You have Exhibit 16 in front of you?</p> <p>21 A. I do.</p> <p>22 Q. Do you recognize what is shown in</p> <p>23 Exhibit 16?</p> <p>24 A. Again, it looks like a ski run. I</p> <p>25 couldn't say which one.</p> | <p style="text-align: right;">Page 48</p> <p>1 A. It's hard to say where the chairlift is</p> <p>2 in relation to the sign. It looks like there might</p> <p>3 be part of a bull wheel. I can't tell from this</p> <p>4 photo.</p> <p>5 Q. Okay. Please look at Exhibit 20.</p> <p>6 A. (Witness complies.)</p> <p>7 Q. Do you recognize what's shown in Exhibit</p> <p>8 20?</p> <p>9 A. Another ski run, though I couldn't name</p> <p>10 it just from this photo alone.</p> <p>11 Q. Okay. Is what is shown in Exhibit 20</p> <p>12 the area you and Mr. Meyer's skied on each of your</p> <p>13 runs down Challenger on December 11, 2015?</p> <p>14 A. It depends on where it is in relation to</p> <p>15 the lift. If it's to the looker's left of the lift</p> <p>16 toward the very top, this could be what we had</p> <p>17 skied.</p> <p>18 Q. Okay. So just off to the left as you're</p> <p>19 coming up near the top of the chairlift, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And so the -- you said each of the times</p> <p>22 you skied with Mr. Meyer off the Challenger</p> <p>23 chairlift, you skied that area. Do you remember</p> <p>24 where you went the first time?</p> <p>25 A. I don't.</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 Q. Okay. Please look at Exhibit 24.</p> <p>2 A. (Witness complies.)</p> <p>3 Q. Do you recognize what's shown in Exhibit</p> <p>4 24?</p> <p>5 A. This appears to be the run that John was</p> <p>6 injured on.</p> <p>7 Q. Okay. Did you ski this run either your</p> <p>8 first or second time down the Challenger chairlift?</p> <p>9 A. We might have skied part of it, though</p> <p>10 it's unlikely we would have skied the same exact</p> <p>11 run twice in a row.</p> <p>12 Q. Okay. Which part of it do you think you</p> <p>13 skied before Mr. Meyer wrecked?</p> <p>14 A. And the run prior to his accident, is</p> <p>15 that what you're asking?</p> <p>16 Q. Yes, BS. In either of the runs. So you</p> <p>17 took two runs on Challenger before he wrecked and</p> <p>18 was injured, and so I want to -- in either of those</p> <p>19 first two runs where did you ski on exhibit -- what</p> <p>20 is shown in Exhibit 24?</p> <p>21 A. I can't recall with certainty.</p> <p>22 Q. Okay. But you think that you would have</p> <p>23 skied at least a part of the run that is shown in</p> <p>24 Exhibit 24?</p> <p>25 A. Not exactly what's depicted though.</p> | <p style="text-align: right;">Page 51</p> <p>1 Q. Was he injured in that fall?</p> <p>2 A. No, maybe a bruise.</p> <p>3 Q. Did he complain and say the area should</p> <p>4 have been marked in his prior fall?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Why don't we take a break now and I'll</p> <p>7 grab that trail map, okay?</p> <p>8 A. Okay.</p> <p>9 (Whereupon, a brief</p> <p>10 recess was taken.)</p> <p>11 BY MR. McINTOSH:</p> <p>12 Q. Okay. We ready to go back on record,</p> <p>13 Ms. Eggert? You ready?</p> <p>14 A. I am.</p> <p>15 MR. McINTOSH: Okay. First of all,</p> <p>16 Counselor, are you recording this?</p> <p>17 MS. NADOW: Yes, I am.</p> <p>18 MR. McINTOSH: And have you been recording</p> <p>19 from the beginning?</p> <p>20 THE WITNESS: Yes, I have.</p> <p>21 MR. McINTOSH: And you didn't tell any of us</p> <p>22 that you were recording, did you?</p> <p>23 MS. NADOW: I did mention it, yes.</p> <p>24 MR. McINTOSH: You did mention it?</p> <p>25 MS. NADOW: I did. But I mentioned it when I</p> |
| <p style="text-align: right;">Page 50</p> <p>1 Actually, do you have a trail map I can reference?</p> <p>2 That would help.</p> <p>3 Q. We'll get one on the break. We'll take</p> <p>4 a break pretty soon and then we'll get one, okay?</p> <p>5 A. Okay.</p> <p>6 Q. Look at Exhibit 25. Do you recognize</p> <p>7 what's shown in Exhibit 25?</p> <p>8 A. This looks like the area immediately</p> <p>9 uphill like it was -- let me start over.</p> <p>10 It looks like it was taken by someone</p> <p>11 who is immediately uphill of where John's accident</p> <p>12 took place.</p> <p>13 Q. Okay. And did you ski anything -- any</p> <p>14 of the areas shown in Exhibit 25 on either of the</p> <p>15 runs before Mr. Meyer was injured?</p> <p>16 A. I can't recall with certainty.</p> <p>17 Q. Okay. Do you remember anything else</p> <p>18 about your first run on Challenger?</p> <p>19 A. There were definitely some rocks prior</p> <p>20 to the run in which John wrecked on the cat track.</p> <p>21 He had one other fall at least that I remember.</p> <p>22 Q. Where else did he fall prior to the time</p> <p>23 he was injured?</p> <p>24 A. Some -- a run underneath Challenger,</p> <p>25 though I couldn't say which one it was.</p> | <p style="text-align: right;">Page 52</p> <p>1 walked in, yes. But I did not -- I guess I did not</p> <p>2 get an affirmative response from you.</p> <p>3 MR. McINTOSH: Okay. Did you get an</p> <p>4 affirmative response from anyone?</p> <p>5 MS. NADOW: I told the court reporter. I</p> <p>6 informed the court reporter that I was going to</p> <p>7 record, yes.</p> <p>8 MR. McINTOSH: Okay. Well, I'm going to</p> <p>9 object to recording. I think it's a violation of</p> <p>10 Montana law to record people without their consent</p> <p>11 and I was not aware we were being recorded here.</p> <p>12 MR. CONDRA: And just so the record's clear,</p> <p>13 this is Brad Condra for Defendant Salewa, I was not</p> <p>14 aware that you were recording as well.</p> <p>15 MS. NADOW: Okay. Sorry, at this point may I</p> <p>16 start recording the rest of the deposition, please?</p> <p>17 MR. McINTOSH: Well, I would object to it</p> <p>18 because now -- I mean I didn't know I was being</p> <p>19 recorded at the beginning.</p> <p>20 MS. NADOW: Okay.</p> <p>21 MR. McINTOSH: So it would be incomplete. So</p> <p>22 I would object to it.</p> <p>23 MS. NADOW: Okay. And for you?</p> <p>24 MR. CONDRA: I would object as well.</p> <p>25 MS. NADOW: Okay, thank you.</p> |

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| Page 53 | Page 55 |
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| 1 (Whereupon, Deposition 2 Exhibit Number 58 was 3 marked for identification.) 4 BY MR. MCINTOSH: | 1 A. Again, I'm not sure the exact sequence 2 but at some point prior to the run that we skied 3 that John was injured on, we had an interaction 4 with a ski patroller. |
| 5 Q. Ms. Eggert, you now have before you what 6 has been marked as Exhibit 58; is that correct? 7 A. Yes. 8 Q. And do you recognize Exhibit 58 as a Big 9 Sky trail map? 10 A. I do. | 5 Q. And according to your Exhibit 57, this 6 interaction with the ski patroller was on your 7 second run down Challenger, correct? 8 A. Yes. |
| 11 Q. And I will represent to you this is a 12 trail map from the 2015/2016 season. Do you have 13 any reason to dispute that? 14 A. No. | 9 Q. Okay. So we'll get to that in just a 10 second. But is there anything else that you can 11 remember about the first run down Challenger? 12 A. Again, the sequence is not coming into 13 sharp clarity, but I definitely recall that John 14 had wrecked at least once before and that we had 15 interaction with the ski patroller. |
| 16 Q. And having looked at this trail map, 17 does this refresh your recollection about where you 18 skied on your first run down Challenger with 19 Mr. Meyer? 20 A. I couldn't say which one it was 21 specifically, but given how few options there are 22 it looks like we would have taken at least part of 23 Highway. | 16 Q. Okay. And do you remember if Mr. Meyer 17 had wrecked anywhere else when you were skiing on 18 the morning of December 11, 2015 other than this 19 wreck that you told us about on Challenger? 20 A. Not that I recall. |
| 21 Q. And Highway was the run that you were 22 skiing right before Mr. Meyer was injured; is that 23 correct? 24 | 21 Q. Okay. So let's talk about the second 22 run on Challenger. Did you ski the same open area 23 off to the left as you're coming up the chairlift 24 to start? 25 A. Yes, somewhere in that open area. |
| Page 54 | Page 56 |
| 1 A. It appears to be so, yes. 2 Q. And did Mr. Meyer wreck on his first run 3 down Challenger? 4 A. I don't recall if it was his first or 5 second. It was one of the runs preceding his 6 accident on Challenger. | 1 Q. And then where did you go from there? 2 A. We worked our way down the fall line. 3 At some point the open area became closed, but 4 neither John nor I saw signs indicating it was 5 closed. |
| 7 Q. Do you remember where it was that 8 Mr. Meyer wrecked? 9 A. To the best of my recollection it was 10 the upper half of the run. | 6 Q. How did you know it became closed? 7 A. There was a ski patroller below us 8 waving his poles, getting our attention and 9 obviously wanting to speak with us. So after he 10 started flagging our attention, someone on the ski 11 lift yelled "run." But I skied down to him. John 12 also skied down to him and he said "That area's 13 closed." |
| 11 Q. The upper half of Highway or the open 12 area to the left of the chairlift? 13 A. It could have been either. It was 14 fairly open. It wasn't a run that was surrounded 15 by trees on either side to clearly delineate. | 14 Q. Look at Exhibit 22, please. 15 A. Okay. 16 Q. Do you recognize what's shown in Exhibit 17 22? 18 A. I don't. |
| 19 Q. So it was a pretty open area? 20 A. Yes. 21 Q. And do you remember what caused him to 22 wreck? 23 A. He came to a group of rocks and to avoid 24 going through the rocks, he tried an abrupt turn 25 and ended up falling. | 19 Q. Is the area shown in Exhibit 22 the 20 closed area that you and Mr. Meyer claim you skied 21 into on your second run on Challenger? 22 A. I couldn't say for certain. |
| 23 Q. Okay. Do you remember anything else 24 about your first run down Challenger on December 25 11, 2015? | 23 Q. Go back one Exhibit to 21. Do you 24 recognize what's shown in Exhibit 21? 25 A. Again, it that looks like a ski run. I |

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| <p style="text-align: right;">Page 57</p> <p>1 couldn't say exactly which one it is.</p> <p>2 Q. And does Exhibit 21 show the closed area</p> <p>3 that you and Mr. Meyer skied into?</p> <p>4 A. I couldn't say for certain based on this</p> <p>5 photo.</p> <p>6 Q. Where was it -- where was this closed</p> <p>7 area that you and Mr. Meyer claim you skied into on</p> <p>8 your second run on Challenger?</p> <p>9 A. Somewhere to the looker's left of the</p> <p>10 top of the Challenger lift, though I couldn't say</p> <p>11 precisely where it was.</p> <p>12 Q. So to the left as you're coming off the</p> <p>13 chairlift?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And where did you -- you said</p> <p>16 someone yelled from the chairlift to you?</p> <p>17 A. Yes.</p> <p>18 Q. Where did that -- where were you when</p> <p>19 that happened?</p> <p>20 A. Must have been somewhere in sight of the</p> <p>21 chairlift, but I couldn't say where exactly.</p> <p>22 Q. And where was the ski patroller located?</p> <p>23 A. He was below us.</p> <p>24 Q. Can you be any more specific?</p> <p>25 A. Oh, according to the letter I wrote, it</p> | <p style="text-align: right;">Page 59</p> <p>1 Q. Okay. So going back to my prior</p> <p>2 question about where the ski patroller was, you</p> <p>3 said you thought the ski patroller was on a cat</p> <p>4 track, right?</p> <p>5 A. Yes.</p> <p>6 Q. But you don't know where he was on the</p> <p>7 cat track?</p> <p>8 A. Correct.</p> <p>9 Q. And you don't know if he was standing</p> <p>10 anywhere shown in Exhibit 24?</p> <p>11 A. Correct. I don't believe our</p> <p>12 interaction with the ski patroller happened on this</p> <p>13 slope. It just doesn't look consistent with my</p> <p>14 memory.</p> <p>15 Q. Okay. Do you see the trees on the</p> <p>16 left-hand side of Exhibit 24?</p> <p>17 A. Toward the bottom?</p> <p>18 Q. Correct.</p> <p>19 A. I do.</p> <p>20 Q. Were you on the other side of those</p> <p>21 trees when you had the interaction with the ski</p> <p>22 patrollers; in other words, further to skier's</p> <p>23 left?</p> <p>24 A. I can't say for certain.</p> <p>25 Q. Okay.</p> |
| <p style="text-align: right;">Page 58</p> <p>1 was about 80 feet below us on a cat track.</p> <p>2 Q. Okay. Look at Exhibit 24, please.</p> <p>3 A. (Witness complies.)</p> <p>4 Q. Can you see the cat track pictured in</p> <p>5 Exhibit 24?</p> <p>6 A. Yes.</p> <p>7 Q. Was the ski patroller on that cat track</p> <p>8 when he yelled to you and Mr. Meyer?</p> <p>9 A. This -- it doesn't look quite like what</p> <p>10 I recall.</p> <p>11 Q. What looks different than from your</p> <p>12 recollection?</p> <p>13 A. It looks like it has more skier traffic</p> <p>14 based on the tracks and something about the</p> <p>15 position of the vegetation isn't consistent with my</p> <p>16 memory.</p> <p>17 Q. What does that mean?</p> <p>18 A. Just that it looks like a different</p> <p>19 slope or fall line from what I recall.</p> <p>20 Q. Okay. Do you recall that what is shown</p> <p>21 in Exhibit 24, does this look like the run Highway</p> <p>22 right before Mr. Meyer was injured?</p> <p>23 A. Um, it could be. With these</p> <p>24 representations it's hard to get a sense for slope</p> <p>25 angle and other aspects, but it could be.</p> | <p style="text-align: right;">Page 60</p> <p>1 A. It was a generally open area. I feel</p> <p>2 like this is maybe a little bit lower down on the</p> <p>3 run than our interaction with the ski patroller</p> <p>4 happened.</p> <p>5 Q. Okay. Well, look at exhibit -- well,</p> <p>6 two things: First of all, if people from Big Sky</p> <p>7 were to testify that there are no cat tracks</p> <p>8 further up than the cat tracks shown in Exhibit 24,</p> <p>9 would that change your recollection?</p> <p>10 A. Well, recollection shouldn't be</p> <p>11 malleable like that, but it's possible that there</p> <p>12 are no other cat tracks.</p> <p>13 Q. Look back at Exhibit 16, please.</p> <p>14 A. (Witness Complies.)</p> <p>15 Q. Do you recall if you were skiing the</p> <p>16 area shown in Exhibit 16 when you skied into the</p> <p>17 closed area?</p> <p>18 A. It's possible, though I don't think it</p> <p>19 was quite so close to the ski lift itself.</p> <p>20 Q. Was the ski patroller standing on the</p> <p>21 cat track shown in Exhibit 16?</p> <p>22 A. I don't recall.</p> <p>23 Q. Did you have a conversation with the ski</p> <p>24 patroller?</p> <p>25 A. I did.</p> |

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| <p style="text-align: right;">Page 61</p> <p>1 Q. What did the -- or describe that 2 conversation in as much detail as you can, please? 3 A. It was fairly straightforward. He said, 4 "This area is closed." 5 I said something to the effect of we 6 weren't aware. And then he said something like get 7 back in the open area, and that was about the 8 extent of it. 9 Q. Okay. Do you recall him saying anything 10 else to you? 11 A. I do not. 12 Q. Okay. And then you and Mr. Meyer skied 13 down to -- from speaking with ski patrol, you skied 14 down to the bottom of the Challenger chairlift, 15 correct? 16 A. Yes. 17 Q. Do you remember anything else about your 18 run after speaking with the ski patrol until you 19 got down at the bottom of Challenger chairlift? 20 A. Just that John and I laughed a little 21 bit about the interaction with the patroller and we 22 discussed very briefly that neither of us had seen 23 signs indicating that we skied into a closed area. 24 Q. Okay. Anything else? 25 A. Not that I recall.</p> | <p style="text-align: right;">Page 63</p> <p>1 you ski down and sort of take a left-hand turn into 2 the area shown in Exhibit 23? 3 A. Can you ask again? 4 Q. Sure. 5 You said on your third run down 6 Challenger, you and Mr. Meyer got off the chairlift 7 and skied to the open area to the looker's left, 8 correct? 9 A. Yes. 10 Q. And then you said I think you just 11 remember skiing down, right? 12 A. Yes. 13 Q. Did you ski down and then take a 14 left-hand turn into the area shown in Exhibit 23? 15 A. We were likely somewhere on this slope 16 depicted in the upper left quadrant of the photo. 17 Where exactly we were, I can't say. I think the 18 accident might have happened within view of the 19 chairlift because I remember thinking the ski 20 patrol response was fast and perhaps that's why 21 they arrived at the scene so quickly because maybe 22 someone had reported it from the lift. 23 Q. Okay. And look at Exhibit 24. We've 24 looked at that exhibit before. 25 A. (Witness complies.)</p> |
| <p style="text-align: right;">Page 62</p> <p>1 Q. Okay. Let's talk about your third run 2 on Challenger with Mr. Meyer. Do you remember 3 anything about going up the chairlift on the third 4 run? 5 A. Yes. We talked about helmets and the 6 fact that we should both be wearing helmets. And I 7 think we also talked about health insurance. 8 Q. Why did you conclude that you should 9 both be wearing helmets? 10 A. Early season conditions, um, it's 11 generally a good practice. 12 Q. Okay. And on your third run off 13 Challenger you skied again to the area to looker's 14 left as you're coming up the chairlift or at least 15 you started out there, correct? 16 A. Yes. 17 Q. And then where did you ski from there? 18 A. Just generally down. It was likely 19 Highway. I think the accident report said the 20 accident took place on Lower Morningstar, so 21 presumably we took Highway to Lower Morningstar. 22 Q. Look at Exhibit 23, please. 23 A. (Witness complies.) 24 Q. After you skied the area to looker's 25 left immediately off of the Challenger lift, did</p> | <p style="text-align: right;">Page 64</p> <p>1 Q. Did you and Mr. Meyer ski down the area 2 shown in Exhibit 24 to get to the area where he 3 wrecked and was injured? 4 A. It looks pretty consistent with my 5 recollection given the amount of trees kind of in 6 the middle of the run, short young trees that 7 aren't covered in snow. 8 Q. Let me back up and ask you a couple more 9 questions about the conversation you had with the 10 ski patroller. Was this ski patroller male or 11 female? 12 A. Male. 13 Q. How tall? 14 A. I don't recall him being either overly 15 tall or overly short. I would estimate around six 16 foot. 17 Q. Do you remember who it was? 18 A. He didn't give his name to my 19 recollection. 20 Q. And you didn't know him? 21 A. I mean he was in ski gear with helmet 22 and goggles so I don't think I would have 23 recognized him. 24 Q. Do you remember anything else 25 descriptive about him that you can tell us?</p> |

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| <p style="text-align: right;">Page 65</p> <p>1 A. Oh, as I recall in addition to the 2 standard ski patrol red vest or jacket, he was 3 wearing a black helmet and mirrored goggles.</p> <p>4 Q. What I would like to do now is hand you 5 a new exhibit which I'm going to mark as Exhibit 6 59.</p> <p>7 (Whereupon, Deposition 8 Exhibit Number 59 was 9 marked for identification.)</p> <p>10 BY MR. MCINTOSH:</p> <p>11 Q. You now have in front of you Exhibit 59; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. And what I would like you to do on Exhibit 59 is draw in red where you skied down the run Highway shortly before Mr. Meyer was injured?</p> <p>14 A. Sure. Do you -- when were these taken?</p> <p>15 Q. The evidence in this case will establish that these pictured were taken within 24 hours of Mr. Meyer's accident.</p> <p>16 A. Okay. That helps to gauge conditions.</p> <p>17 The best of my knowledge I probably skied something like this, (indicating).</p> <p>18 Q. Can I see that, please?</p> <p>19 A. Sure.</p> | <p style="text-align: right;">Page 67</p> <p>1 Q. Okay. I will hand you a blue pen and can you draw in blue where Mr. Meyer skied ahead of you?</p> <p>2 A. Oh.</p> <p>3 Q. To the best of your recollection.</p> <p>4 A. Um, I don't remember the path he took down exactly, just approximately where I found him in relation to where I had wrecked. So I couldn't say with any kind of certainty which way he took down.</p> <p>5 Q. Was he skiing near you?</p> <p>6 A. Yeah, I think we were probably within shouting distance.</p> <p>7 Q. Okay.</p> <p>8 (Whereupon, Deposition 9 Exhibit Number 60 was 10 marked for identification.)</p> <p>11 BY MR. MCINTOSH:</p> <p>12 Q. Next I'm going to hand you what I have marked as Exhibit 60. And do you recognize that as being a photograph taken further downhill on the run Highway?</p> <p>13 A. That looks right.</p> <p>14 Q. And can you see the area where Mr. Meyer ended up after he wrecked?</p> |
| <p style="text-align: right;">Page 66</p> <p>1 Q. And then you stopped before -- your red line stops before the cat track, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Why did you stop your red line before the cat track?</p> <p>4 A. I had caught my ski on a small tree that was poking out of the snow, so I fell and it took me quite awhile to find my ski.</p> <p>5 Q. Okay. Can you put -- so that's where you wrecked?</p> <p>6 A. Where the line ends?</p> <p>7 Q. Yes.</p> <p>8 A. Approximately.</p> <p>9 Q. Can you put an X where you wrecked, please, on Exhibit 59?</p> <p>10 A. Again, kind of hard to say with this recollection because there could be rollovers and stuff that aren't depicted, but this is the best I can do.</p> <p>11 Q. I understand.</p> <p>12 And then can you write your name on the bottom left-hand corner on that?</p> <p>13 A. (Witness complies.)</p> <p>14 Q. And was Mr. Meyer skiing ahead of you?</p> <p>15 A. Yes.</p> | <p style="text-align: right;">Page 68</p> <p>1 A. At this scale it's hard to say. I do recall there was a weathered log really close to where he ended up. So I'm going to guess it's somewhere around here, if this is the log I'm thinking of.</p> <p>2 Q. Can you circle where you believe -- where you're looking?</p> <p>3 A. Yeah.</p> <p>4 Q. And have you now circled in blue on Exhibit 60 where you believe Mr. Meyer came to rest?</p> <p>5 A. It's the same circle. I made one circle for where I think he ended up.</p> <p>6 Q. Okay. Can I see that, please?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And can you tell me where Mr. Meyer skied to get to the blue circle that you put on Exhibit 60?</p> <p>9 A. I didn't see him come down immediately before his accident so I couldn't say for certain.</p> <p>10 Q. Okay. Do you have any idea where Mr. Meyer transitioned from the run Highway onto the cat track?</p> <p>11 A. I don't.</p> <p>12 Q. Okay. And why is it that you didn't see</p> |

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| <p style="text-align: right;">Page 69</p> <p>1 where Mr. Meyer -- see Mr. Meyer skiing immediately 2 before he wrecked?</p> <p>3 A. I was trying to locate my ski and then 4 it took awhile to get it back on and I was dealing 5 with my own wreck, so I saw none of his.</p> <p>6 Q. Describe for me how Mr. Meyer was skiing 7 before his wreck where he was injured.</p> <p>8 A. He was --</p> <p>9 Q. Immediately before.</p> <p>10 A. Probably the same as he had been skiing 11 the previous runs, pretty fast.</p> <p>12 Q. Can you describe in any more detail 13 other than saying "pretty fast"?</p> <p>14 A. What kind of detail are you looking for?</p> <p>15 Q. Any additional detail that you can 16 provide.</p> <p>17 Did he appear to be in control?</p> <p>18 A. There were times he was skiing faster 19 than I would have been given the conditions, but.</p> <p>20 Q. What do you mean when you say "given the 21 conditions"?</p> <p>22 A. Given rocks and trees.</p> <p>23 Q. And it's more important when you have as 24 many rocks and trees as is shown in Exhibit 59 and 25 60 in front of you, to ski more cautiously,</p> | <p style="text-align: right;">Page 71</p> <p>1 have been others who felt like it was still too 2 early, the coverage was too thin.</p> <p>3 Q. But, of course, this was your third 4 lift, third run on this chairlift, correct?</p> <p>5 A. Yes. My recollection, yes.</p> <p>6 Q. So despite knowing the conditions, you 7 kept coming back and skiing that area again, 8 correct?</p> <p>9 A. Yes, that's true.</p> <p>10 Q. And --</p> <p>11 A. Also once you ski Challenger it is a 12 little bit more difficult to access other parts of 13 the ski area.</p> <p>14 Q. Well --</p> <p>15 A. And sort of funnels back into 16 Challenger, but.</p> <p>17 Q. Well, you can actually ski right to the 18 base area from Lower Morningstar as shown in 19 Exhibit 59 and 60, correct?</p> <p>20 A. Yes.</p> <p>21 Q. So if you were concerned the Challenger 22 should not have been opened or there were too many 23 unmarked hazards, you could have made the choice to 24 avoid that after your first run and ski back to the 25 base area, correct?</p> |
| <p style="text-align: right;">Page 70</p> <p>1 correct?</p> <p>2 A. I would say it's advisable.</p> <p>3 Q. And Mr. Meyer was obviously ahead of you 4 so he was skiing faster than you, correct?</p> <p>5 A. Maybe. We didn't ski a run top to 6 bottom without stopping, so there was a little bit 7 of leapfrogging that happened.</p> <p>8 Q. Were you trying to keep up with him when 9 you wrecked?</p> <p>10 A. Not that I recall specifically. I think 11 I was just skiing the way I usually ski.</p> <p>12 Q. And how far away from Mr. Meyer were you 13 when you wrecked?</p> <p>14 A. It's hard to say exactly the distance 15 between where I wrecked and where he wrecked. I 16 would guess somewhere between 30 and 40 yards.</p> <p>17 Q. You don't blame Big Sky for your wreck, 18 do you?</p> <p>19 A. I will say I very rarely crash. It 20 happens maybe four or five times a season where I 21 lose a ski. It was not my call, but it's obviously 22 really early season conditions from the exhibits 23 we've looked at and I think there was definitely 24 probably some gray area in terms of whether or not 25 that lift had opened at that date. There might</p> | <p style="text-align: right;">Page 72</p> <p>1 A. We had options to access other lifts.</p> <p>2 Q. And you chose to keep coming back to 3 this area, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And it's plain looking at Exhibit 24 6 that there are small trees and shrubs that are not 7 covered by snow, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And it's plain that these are not 10 marked, correct?</p> <p>11 A. Yes.</p> <p>12 Q. It's certainly not your contention that 13 every single one of these trees and shrubs need to 14 be marked, is it?</p> <p>15 A. No.</p> <p>16 Q. So what happened -- describe for me if 17 you can in as much detail what happened after you 18 wrecked and you went and got your ski, put your ski 19 back on, what happened from there?</p> <p>20 A. I started looking around for John. I 21 didn't see him. I considered just skiing to the 22 bottom of the lift to see if he was there. But 23 there was a clump of people to skier's right of 24 where I was and I thought before I skied all the 25 way back down to the bottom of the lift, it would</p> |

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| <p style="text-align: right;">Page 73</p> <p>1 be worth seeing if he was either among the clump of 2 people or the source of the activity to my right. 3 Q. And was the area to your right, is that 4 where you circled on Exhibit 60? 5 A. Somewhere near there, yes. 6 Q. Where did you ski -- from the X that you 7 wrote on Exhibit 59, where did you ski from that 8 area to the circle that's shown in Exhibit 60? In 9 other words, what path did you follow to get from 10 one location to the other? 11 A. Do you want me -- which exhibit? 12 Q. Why don't you draw it on Exhibit 60, 13 please, in blue. 14 A. Blue. 15 Q. First of all, put an X on Exhibit 60 16 where you believe you wrecked. 17 A. Okay. Probably somewhere around here, 18 (indicating). 19 Q. Can I just see where you put the X, 20 please? 21 A. Sure. 22 Q. Okay. And then can you draw a path from 23 the X to the O? 24 A. Sure. I skied down to the cat track 25 probably the most direct way possible, not seeing</p> | <p style="text-align: right;">Page 75</p> <p>1 the crowd of people near the circle that you drew 2 on Exhibit 60? 3 A. I observed several ski patrollers, I 4 think five or six, and some onlookers. As I got 5 closer I saw that there was a patient and patient 6 was wearing the coat that I remember John wearing. 7 So I realized it was John they were treating as I 8 got closer. 9 Q. And did you speak with anybody at that 10 location? 11 A. Most of my interaction on that day was 12 with a ski patroller named Scott Patch who was 13 skiing down to the ski patrol base area with me and 14 helped me collect the belongings John lost in the 15 accident. So primarily I spoke with one man, Scott 16 Patch. 17 Q. Do you remember speaking with anyone 18 other than Scott Patch? 19 A. One of the patrollers asked me if I knew 20 the patient and I said yes. That might have been 21 Scott, that might have been a different patroller. 22 Q. You don't recall who it was? 23 A. I don't recall. 24 Q. What do you remember discussing with 25 Scott Patch?</p> |
| <p style="text-align: right;">Page 74</p> <p>1 John I started kind of skiing up the cat track. 2 Q. Can I look at that, please? 3 A. Sure. 4 Q. And you've just -- you drew a line on 5 Exhibit 60 from the area where you wrecked to the 6 area where the crowd of people was, correct? 7 A. Correct, to the best of my recollection. 8 Q. And so you skied the transition from the 9 Highway onto the cat track, correct? 10 A. Yes. 11 Q. And you did so without wrecking and 12 injuring yourself, correct? 13 A. Yes. That transition, I did not wreck 14 on that transition. 15 Q. And you didn't wreck because you were 16 skiing in control, correct? 17 A. Yep. 18 Q. Can you describe the transition from the 19 run Highway onto the cat track where you skied it 20 on December 11, 2015? 21 A. It's pretty abrupt. I don't know the 22 exact slope angle, but it's significant. And it 23 goes from the slope straight into a flat plane and 24 then back into the slope. 25 Q. And what happened when you got over to</p> | <p style="text-align: right;">Page 76</p> <p>1 A. He asked if I was his friend or perhaps 2 if we'd been skiing together and I said yes, we'd 3 been skiing together. I think he probably asked if 4 I was okay and then we started gathering like 5 John's goggles and he probably gave me just general 6 updates on what they were doing with his care. 7 Q. Do you remember anything else that you 8 said to Mr. Patch or he said to you? 9 A. We continued talking after we got to the 10 base area. He helped me charge my phone so I could 11 make calls to John's employer and later his dad. 12 So we interacted probably over the course of a half 13 an hour, maybe an hour. 14 Q. Did you ski together down to the base 15 area? 16 A. Yes. 17 Q. And did you ski to the first aid room? 18 A. I think just outside of it. 19 Q. At some point you filled out a witness 20 statement card; is that right? 21 A. Yes. 22 Q. Where was it when you -- where you 23 filled out the witness statement? 24 A. That happened somewhere near the ski 25 patrol base area.</p> |

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| <p>1 Q. Okay. And how did you fill out the 2 witness statement? 3 A. With an ink pen. 4 Q. So Mr. Patch handed it to you and just 5 said "Will you please fill this out"? 6 A. Yes. 7 (Whereupon, Deposition 8 Exhibit Number 61 was 9 marked for identification.) 10 BY MR. McINTOSH: 11 Q. I'm going to hand you what has now been 12 marked as Exhibit 61. Do you recognize Exhibit 61? 13 A. Yes. 14 Q. And is that the witness statement that 15 you completed? 16 A. Yes. 17 Q. And that's a two-sided document, 18 correct? 19 A. Yes. 20 Q. And this writing in blue, this lighter 21 blue, is that all your writing? 22 A. Yes. 23 Q. How about on the bottom of the second 24 page where it says Scott Patch and then has a 25 signature and a date and John -- and it says John</p> | <p>1 meant was in that early stage of the day before I 2 really knew the extent to his injuries, it was 3 clear I was concerned that it had been significant 4 force because his goggles were in two pieces and 5 they were pretty far from where he was being 6 treated so I assumed there had been some force. 7 Q. And then on the next line it says 8 "Describe the trail/snow conditions at the scene" 9 and you wrote in "Rocks"? 10 A. Yes. 11 Q. Why did you write rocks? 12 A. Um, well, presumably because there were 13 rocks at the scene and though I didn't hit any 14 rocks that I recall that day, they were definitely 15 in abundance in the terrain around the Challenger 16 lift. 17 Q. That's pretty common for early season 18 Challenger at Big Sky, correct? 19 A. Yes. 20 Q. Do you contend that the rocks near the 21 scene that you're describing in Exhibit 61 had 22 anything to do with Mr. Meyer's ski wreck? 23 A. I didn't see it so I couldn't say. But 24 in the letter that I wrote to him I said "I think 25 that you lost control uphill of the cat track -</p> |
| <p style="text-align: center;">Page 78</p> <p>1 Meyer, is that your writing or Mr. Patch's? 2 A. The writing in black is Mr. Patch's or 3 at least it's not mine. 4 Q. And were you honest when you were 5 completing this witness statement? 6 A. Yes. 7 Q. And were you trying to be as truthful 8 and accurate as you could being? 9 A. Yes. 10 Q. And is that your signature on the second 11 page of Exhibit 61? 12 A. Yes. 13 Q. And you wrote down 11:15 a.m., 12-11-15; 14 is that correct? 15 A. Yes. 16 Q. Is that what time you completed the 17 witness statement? 18 A. Presumably so. I can't think of any 19 reason I would have misrepresented the time. 20 Q. Under -- on the first page it says "Any 21 irregularities of the scene noted" and you wrote 22 "goggles broken," is that right? 23 A. Yes. 24 Q. What did you mean by goggles broken? 25 A. Just that in that -- I think what I</p> | <p style="text-align: center;">Page 80</p> <p>1 possibly by hitting a tree or rock - and hit the 2 downhill lip of the cat track with some speed." 3 Q. What you're referring to is Exhibit 57? 4 A. Yes. 5 Q. And where did you write that in Exhibit 6 57? 7 A. That is the second paragraph of the 8 third page. 9 Q. And that's the paragraph that starts out 10 with "This is what I think"? 11 A. Yes. 12 Q. And then you wrote "I think you lost 13 control uphill of the cat track - possibly by 14 hitting a tree or rock," correct? 15 A. Yes, I wrote that. 16 Q. Why did you think that? Why did you 17 think that Mr. Meyer lost control uphill of the cat 18 track? 19 A. Because given his position below the cat 20 track and the injuries he sustained, I think he 21 probably was traveling fast and I think his skis 22 likely lost contact with the snow. Given the 23 terrain, I think all of those things worked 24 together. 25 Q. And you wrote Exhibit 57 six days after</p> |

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| <p style="text-align: right;">Page 81</p> <p>1 Mr. Meyer wrecked and was injured, correct? 2 A. Yes. 3 Q. First of all, do you still have the 4 electronic file that you wrote 57 on? 5 A. Yes. 6 Q. In other words, is it like in a Word 7 document already on your computer? 8 A. Yes. 9 Q. And are you willing to produce that in a 10 native format? 11 A. Meaning? 12 Q. Meaning just give us the electronic file 13 instead of just printing it out? 14 A. I'd like to speak with Nadine more about 15 that. It's quite personal and not all of it has 16 bearing to the case. 17 Q. I understand, but you agree that Exhibit 18 57 is directly relevant to the case, correct? 19 A. Yes, this entry is. 20 Q. And that's why you produced it to us, 21 correct? 22 A. Yes. 23 Q. And can you give us this, the electronic 24 version of this entry? 25 A. Yes.</p> | <p style="text-align: right;">Page 83</p> <p>1 happened in Mr. Meyer's ski wreck? 2 A. Yes. 3 Q. Let's go off the record for just a 4 second. 5 (Whereupon, a lunch 6 recess was taken.) 7 MS. NADOW: So to begin with, I wanted to 8 apologize for recording without your permission. 9 That was unintentional. I thought I had mentioned 10 it and then when you had called me out on it I 11 realized that I had only mentioned it to her. So I 12 apologize, and I'd like that to be on the record. 13 Secondly, about the documents that you 14 asked for, I was unaware of them. And having seen 15 them, I want to do my due diligence and look over 16 them. So I'm not going to provide them to you 17 today, but I will get them to you as soon as I look 18 at them and see if they're appropriate for the 19 case. 20 MR. McINTOSH: Okay. And just to be clear 21 though, you don't represent Ms. Eggert, you 22 represent Mr. Meyer, correct? 23 MS. NADOW: Yes, but I would still like to 24 see the documents. 25 MR. McINTOSH: Okay. Well, you know,</p> |
| <p style="text-align: right;">Page 82</p> <p>1 Q. We can talk about the rest on a break, 2 okay? 3 A. Okay. 4 Q. So going back to the second full 5 paragraph on page 3 of Exhibit 57 where you say 6 "This is what I think," is this still what you 7 believe happened, what you wrote in this paragraph? 8 A. No. I've learned more since then. I 9 don't think that he necessarily hit the log. He 10 might have but I -- I think that perhaps he was 11 repositioned during his treatment or somehow moved 12 that might have changed the log's relationship to 13 his crash. So to answer your question, I don't 14 know that the log was involved, that he impacted 15 the log. 16 Q. Okay. I guess I should have been more 17 specific with my question. Your description that 18 you have right here of how Mr. Meyer came to wreck, 19 you say "I think that you lost control uphill of 20 the cat track - possibly by hitting a tree or 21 rock - and hit the downhill lip of the cat track 22 with some speed. Once you hit that lip, you 23 probably turned ass-over-teakettle in the air, and 24 landed right on the fucking log." Other than the 25 log portion, is this still what you believe</p> | <p style="text-align: right;">Page 84</p> <p>1 obviously we requested them for today and so we'll 2 just reserve the right to, if we need to, reopen 3 the deposition. 4 MS. NADOW: And we accept that, thank you. 5 MR. McINTOSH: Okay. 6 BY MR. McINTOSH: 7 Q. Okay. Ms. Eggert, you ready to keep 8 going? 9 A. I am. 10 Q. You understand, of course, that you're 11 still under oath, right? 12 A. Yes. 13 Q. Okay. So a couple -- just one area to 14 clean up real quick, can you look at Exhibit 24 15 again? You still have that in front of you? 16 A. Yes. 17 Q. And Exhibit 24, you know, we've been 18 using the terms "looker's" right and "skier's 19 right." If we're looking at this picture, this 20 is looking downhill on the Highway -- or excuse me, 21 the run Highway, correct? 22 A. Correct. 23 Q. And if we're talking about skier's 24 right, that would be on the right-hand side of this 25 photograph, correct?</p> |

21 (Pages 81 to 84)

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| <p>1 A. Correct.</p> <p>2 Q. And then if you're talking about</p> <p>3 looker's left, looker's left would be skier's</p> <p>4 right, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. So I think we left off, you were</p> <p>7 telling us that you went down to the base area with</p> <p>8 Scott Patch and that's when you filled out your</p> <p>9 witness statement, correct?</p> <p>10 A. Yes.</p> <p>11 Q. What happened after that?</p> <p>12 A. I started making calls.</p> <p>13 Q. And first of all, did you know Scott</p> <p>14 Patch before this incident?</p> <p>15 A. No.</p> <p>16 Q. Okay. Who did you start calling?</p> <p>17 A. I wanted to make contact with his father</p> <p>18 but I had no idea how to reach him. I knew the</p> <p>19 name of his employer, so I searched for Wild Earth</p> <p>20 Guardians in Missoula and I spoke with his coworker</p> <p>21 Bethany there. She tracked down his emergency</p> <p>22 contact information and then I called his father.</p> <p>23 Q. How did you know to call his father?</p> <p>24 A. His mom died many years prior to that</p> <p>25 and it seemed the appropriate thing to do.</p> | <p>1 been an accident and I was pretty shaken up. I</p> <p>2 think he offered to just let me have the afternoon</p> <p>3 off. I can't recall if I asked or if he offered to</p> <p>4 give me the afternoon off work, but we decided that</p> <p>5 I wasn't going to work that afternoon.</p> <p>6 Q. That you were not going to work?</p> <p>7 A. Correct.</p> <p>8 Q. Okay.</p> <p>9 A. And then I think I also had a</p> <p>10 conversation with Steve Emerson, the medical</p> <p>11 director of the patrol. He was most familiar with</p> <p>12 John's condition and the likely care he would</p> <p>13 receive. So we stayed in contact for the next</p> <p>14 several days. I think he offered to find me a ride</p> <p>15 to my house or maybe even all the way to Billings</p> <p>16 just knowing that I was upset.</p> <p>17 Q. How did you -- how were you in touch</p> <p>18 with Steve Emerson over the next few days?</p> <p>19 A. I think it was all over text and phone</p> <p>20 call. It might have just been phone call.</p> <p>21 Q. Do you still have those texts?</p> <p>22 A. I don't think I do. I looked for him</p> <p>23 the other day in my phone and he didn't pop up as a</p> <p>24 contact, so I don't think I do. I can look.</p> <p>25 Q. Could you just check real quick, please?</p> |
| Page 86 | Page 88 |
| <p>1 Q. Okay. And so his employer gave you the</p> <p>2 contact information for his father; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And you called his father?</p> <p>5 A. Yes.</p> <p>6 Q. And what did you say to his father?</p> <p>7 A. That his son had been in a ski accident,</p> <p>8 that it was very serious and he was in transit to</p> <p>9 either the Bozeman hospital or the Billings</p> <p>10 hospital, that they would likely decide that</p> <p>11 in-flight, that he should think about booking a</p> <p>12 ticket to Montana.</p> <p>13 Q. Anything else that you told him?</p> <p>14 A. Just basic orienting details, that I had</p> <p>15 been skiing with him that day, that it looked very</p> <p>16 serious.</p> <p>17 Q. Did you tell him how the ski wreck</p> <p>18 occurred?</p> <p>19 A. I don't think I did in any detail.</p> <p>20 Q. Okay. And then what else did you do</p> <p>21 during that day?</p> <p>22 A. I called my twin sister and at some</p> <p>23 point I talked to her. It was probably when I was</p> <p>24 still on the mountain. I called my boss and</p> <p>25 Joe O'Connor at Outlaw and told him that there had</p> | <p>1 MS. NADOW: Can we do that during a break</p> <p>2 rather than now? We can come back to that.</p> <p>3 MR. McINTOSH: If it won't take too long, I'd</p> <p>4 rather just get it done.</p> <p>5 MS. NADOW: Why don't we wait until the break</p> <p>6 and we'll do that.</p> <p>7 MR. McINTOSH: No, I mean since we're on the</p> <p>8 subject.</p> <p>9 MS. NADOW: We'll come back to the subject</p> <p>10 later. Let's just -- or maybe we take a break now.</p> <p>11 MR. McINTOSH: Okay. If you'd like to take a</p> <p>12 break now and do it, go ahead.</p> <p>13 MS. NADOW: Okay. Let's do that.</p> <p>14 (Whereupon, a brief</p> <p>15 recess was taken.)</p> <p>16 BY MR. McINTOSH:</p> <p>17 Q. Ms. Eggert, we're back on the record.</p> <p>18 You understand you're still under oath?</p> <p>19 A. Yes.</p> <p>20 Q. And did you check your phone during the</p> <p>21 short break we just had?</p> <p>22 A. I did.</p> <p>23 Q. And did you find any messages you had</p> <p>24 with Steve Emerson?</p> <p>25 A. I did.</p> |

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|---|---|
| <p>1 Q. Can you receive those?</p> <p>2 MS. NADOW: Can I request that -- there's a 3 few messages on there and I didn't have time to 4 look at them all. And if we can submit that again 5 with the other information as soon as possible when 6 we've reviewed it.</p> <p>7 MR. McINTOSH: Well, no, I object to that 8 because I mean this is specifically part of the 9 subpoena and it's actually messages that she has 10 had with an employee of my client. So this is my 11 opportunity to -- the information is here right now 12 and we are entitled to the information per the 13 subpoena.</p> <p>14 MS. NADOW: Would it be easier though if we 15 printed it for you so that you could have a hard 16 copy of it rather than her reading through whatever 17 many text messages that there were?</p> <p>18 MR. McINTOSH: No, not really. It would be 19 easier if we could just look at the messages right 20 now and go through them.</p> <p>21 MS. NADOW: You want her to read through all 22 of the messages?</p> <p>23 MR. McINTOSH: Between her and Steve Emerson, 24 yes.</p> <p>25 MS. NADOW: I would like to request that we</p> | <p>1 BY MR. McINTOSH:</p> <p>2 Q. Could you just show me what you're --</p> <p>3 A. I am.</p> <p>4 Q. When do these communications 5 that -- well, first of all, let me clear up the 6 record. What you're showing me now are text 7 messages that you have back and forth with Steve 8 Emerson; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And are these all of the communications 11 you had with Steve Emerson or just some of them?</p> <p>12 A. These are all of the recorded 13 communications. He and I interacted via phone.</p> <p>14 Q. Okay. And when did your interactions 15 start?</p> <p>16 A. Well, we spoke over phone in the weeks 17 after John's accidents -- accident. I gave him 18 progress reports. And these text messages began 19 February 4th, 2016.</p> <p>20 Q. Okay. And there's a green message that 21 starts on your text or your phone; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Is that you or is that Steve Emerson?</p> <p>24 A. That is me.</p> <p>25 Q. Okay. What did you say?</p> |
| <p style="text-align: center;">Page 90</p> <p>1 have an opportunity to print them out and hand them 2 to you.</p> <p>3 MR. McINTOSH: I understand that and I'm 4 saying we've subpoenaed it, we're here, I want to 5 ask her about them now, so. And in addition, it's 6 inappropriate for you to instruct a third-party 7 witness what to do because you don't represent the 8 witness. So we are entitled to this information. 9 And you're interfering with the subpoena by saying 10 you won't provide this information right now.</p> <p>11 MS. NADOW: Okay. Why -- could you ask her 12 questions about what she remembers from it and 13 after her reviewing it more carefully and supplying 14 you the information, we can have a second 15 deposition in which you can discuss it further?</p> <p>16 MR. McINTOSH: No, I really just want to have 17 her go through what did Steve Emerson say to you, 18 what did you say back. Why can't she just read the 19 texts into the record? This is conversations with 20 an employee that I represent. There's clearly no 21 privilege. There's no reason that it just can't be 22 read into the record.</p> <p>23 MS. NADOW: Okay.</p> <p>24 THE WITNESS: Most of these communications 25 are from several months afterwards.</p> | <p style="text-align: center;">Page 92</p> <p>1 A. "Hi, Steve, Amanda Eggert here. I went 2 to Missoula last weekend to visit John and he asked 3 that I bring you some treats. Are you about on the 4 mountain this afternoon or tomorrow around 5 lunchtime?"</p> <p>6 Q. And did he respond?</p> <p>7 A. He said, "Hi. I am on the summit at the 8 moment. Back in first aid room around 2. Thanks."</p> <p>9 Q. And did you respond to that?</p> <p>10 A. I said, "Ok, I'll come in a half hour or 11 so."</p> <p>12 Q. Was there another message after that?</p> <p>13 A. Yes, that was the end of our 14 correspondence for February 4th.</p> <p>15 March 18th I texted him again, "Hi 16 Steve. I got John back to Big Sky. He said he'd 17 like to swing by the mountain and meet you guys. 18 Is there a good time today to come by and say hi to 19 the patrollers who helped him out? Hope you're 20 doing well."</p> <p>21 Q. Did he respond?</p> <p>22 A. March 18th -- yes. Later that day he 23 said, "Hi. Tomorrow work? If so, I have a plan."</p> <p>24 I responded, "We're actually headed out 25 of town in a bit here but he'll probably be back</p> |

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| Page 93 | Page 95 |
|---|--|
| <p>1 before the season ends.</p> <p>2 Also, still March 18th, "Sorry. I was</p> <p>3 out of our resort boundary this afternoon and</p> <p>4 didn't get your message. Hope it works out before</p> <p>5 the season is over. I would like to meet John and</p> <p>6 introduce you both to the patrol."</p> <p>7 I replied, "No worries. He would like</p> <p>8 to meet you guys too. I'll try to give you more of</p> <p>9 a heads up next time, we'll figure it out."</p> <p>10 He replied, "Sounds good. Thank you."</p> <p>11 Next correspondence starts April 7th,</p> <p>12 "Hi Steve, John and I were planning to come and say</p> <p>13 hello to you guys tomorrow. You all gather at 8 at</p> <p>14 the first aid room, yes? Does that work for you?"</p> <p>15 He replied, "Our meeting is in the</p> <p>16 mammoth room upstairs in the mountain mall at 8.</p> <p>17 That works. Look forward to introducing you both</p> <p>18 to the crew."</p> <p>19 I replied, "Likewise. See you there</p> <p>20 tomorrow."</p> <p>21 Also April 7th he wrote, "Please come a</p> <p>22 little early. The meeting starts right at 8. 7:45</p> <p>23 or 7:50 is great."</p> <p>24 I replied, "Yes, we'll do."</p> <p>25 April 8th, this was the day after we met</p> | <p>1 Shedhorn. Good race, good day on the mountain.</p> <p>2 The story's up online and in this week's Explore</p> <p>3 Big Sky. I emailed Casey and Noah some photos that</p> <p>4 John and I took." There's a link to the story I</p> <p>5 wrote. Then it says, "John thinks his tech</p> <p>6 bindings might have pre-released and he's trying to</p> <p>7 track down the accident report. I met the woman</p> <p>8 with patrol who prepared it but can't remember her</p> <p>9 name. Do you have her contact info or a copy of</p> <p>10 the report you can send to John?"</p> <p>11 May 4th I wrote, "Hi Steve, hope you're</p> <p>12 doing well. Any luck tracking down that accident</p> <p>13 report?"</p> <p>14 May 4th he wrote, "Hi. Am traveling.</p> <p>15 Back to work next Wednesday and will follow up."</p> <p>16 May 10th he wrote, "Any progress?"</p> <p>17 May 10th I replied, "Not yet -- shall I</p> <p>18 have John give you a call Wednesday? Thursday?"</p> <p>19 May 10th he replied, "Going up tomorrow.</p> <p>20 I will see what I can find and call you with how to</p> <p>21 proceed."</p> <p>22 I replied, "Sounds good. Thanks much."</p> <p>23 Next communication starts August 3rd,</p> <p>24 2016. "Hi Amanda. Hope summer is treating you</p> <p>25 well. Apparently Outlaw was loaned some of our</p> |
| <p style="text-align: center;">Page 94</p> <p>1 the patrollers. "Very cool to see John this</p> <p>2 morning." Must have been the day of, okay. He</p> <p>3 wrote, "Very cool to see John this morning. Great</p> <p>4 to finally meet him in person. A couple patrollers</p> <p>5 who missed the meeting would like to meet him</p> <p>6 sometime." He also wrote, "Congratulations. Very</p> <p>7 happy for you both. See you at the race. If John</p> <p>8 needs a lift ticket I will bring one for him."</p> <p>9 Q. Do you know what he was saying</p> <p>10 congratulations for?</p> <p>11 A. Yes, we recently became engaged and I</p> <p>12 think John shared that news when he met with the</p> <p>13 patrollers.</p> <p>14 Q. Thank you. Is that all of the messages</p> <p>15 with Steve Emerson?</p> <p>16 A. No, there's a few more.</p> <p>17 This is also April 8th. My reply,</p> <p>18 "Thank you! Yes, great to come by and say thank</p> <p>19 you. Thank you much for helping with the lift</p> <p>20 ticket -- that would be great. It would be good to</p> <p>21 catch the other couple patrollers and say thanks in</p> <p>22 person, too."</p> <p>23 April 22nd, "Hi Steve, hope you are</p> <p>24 doing well and getting a bit of a break after a</p> <p>25 busy season. Thanks for helping with access to</p> | <p style="text-align: center;">Page 96</p> <p>1 patrol radios for PBR. Can you help me get them</p> <p>2 back? Thanks, Steve."</p> <p>3 I replied, "Yes, we can certainly figure</p> <p>4 that out. We're seeing who's available to run them</p> <p>5 up the mountain today. The editorial team goes to</p> <p>6 press today, so we're tracking down our event and</p> <p>7 distribution guys to see if they can do it. Hope</p> <p>8 your summer is going well, too."</p> <p>9 He wrote, "Perfect. Yes, lots of great</p> <p>10 mountain biking and Stillwater trips this summer.</p> <p>11 Thanks for your help. Probably see you here for</p> <p>12 the Rut events."</p> <p>13 I replied, "Sounds like Ersin is</p> <p>14 coordinating with Bob Dixon to get those back to</p> <p>15 you guys. Glad you've been able to get out on the</p> <p>16 water and trails."</p> <p>17 He replied, "Bob handed it to me on his</p> <p>18 way out yesterday evening. He is gone for a few</p> <p>19 days."</p> <p>20 I said, "Ok, I'll pass along your</p> <p>21 contact info to Ersin."</p> <p>22 He said, "Thank you." And that is the</p> <p>23 end of our correspondence.</p> <p>24 Q. And could I just look at that real quick</p> <p>25 to make sure that that was read correctly?</p> |

24 (Pages 93 to 96)

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| Page 97 | Page 99 |
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| <p>1 A. Yes.</p> <p>2 Q. And what you just read was all of your 3 texts back and forth with Steve Emerson?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any text communications with 6 any other Big Sky ski patrollers?</p> <p>7 A. I can -- I might with Evi Dixon, but I'm 8 not certain. Yes, just a short series of 9 communications with Evi Dixon.</p> <p>10 Q. Can you read those in the record as 11 well?</p> <p>12 A. Yeah.</p> <p>13 Q. Starting from the first one. Can you 14 just, the way you did before, give us the date and 15 the back and forth? Thank you.</p> <p>16 A. September 6th, 2016. "Hi Evi, Amanda 17 Eggert here. Are you available for a cranio-sacral 18 session tomorrow afternoon? I'm headed into 19 Bozeman after a late morning meeting wraps up."</p> <p>20 She replied, "I am sorry Amanda but I am 21 going to the Big Sky Farmers Market every Wednesday 22 with my Alpaca booth."</p> <p>23 I said, "That's right, I forgot about 24 that. No worries, we'll figure out another time."</p> <p>25 She replied, "And please remember that I</p> | <p>1 A. For work I communicated with the Rut 2 event -- or, sorry, the -- not the Rut. It's the 3 winter race.</p> <p>4 Q. Shedmo?</p> <p>5 A. Shedhorn, right. The Shedhorn Skimo. 6 Yeah, for work I communicated with the organizers 7 of the Shedhorn Skimo race via e-mail. That was 8 all through my Outlaw e-mail account that I don't 9 have access to anymore.</p> <p>10 Q. Have you had any other communications 11 with any ski patrollers in, no matter what the 12 medium is, about John Meyer's accident or his 13 recovery or anything at all related to his 14 injuries?</p> <p>15 A. John has a couple friends who are former 16 patrollers who he's spoken with about the accident. 17 I don't think I've had any conversations with those 18 people though.</p> <p>19 Q. Okay. Can you look at Exhibit 26 there 20 in front of you?</p> <p>21 A. (Witness complies.)</p> <p>22 Q. And do you see the paragraph that's 23 highlighted near the bottom, it starts with "A law 24 professor once told me"?</p> <p>25 A. Uh-huh.</p> |
| <p style="text-align: center;">Page 98</p> <p>1 will be gone next week. Should be back by 2 Saturday."</p> <p>3 On October 1st, 2016 an address "3180 4 Curtis Lane, Manhattan, Montana."</p> <p>5 I replied, "Great, see you tomorrow at 6 3."</p> <p>7 Q. Is that -- that's Ms. Dixon's address, 8 is that your understanding?</p> <p>9 A. Yes.</p> <p>10 Q. And did you go to her house?</p> <p>11 A. Yes.</p> <p>12 Q. With Mr. Meyer?</p> <p>13 A. No, I don't think he was there. I think 14 it was just me.</p> <p>15 Q. And why were you going to Ms. Dixon's 16 house?</p> <p>17 A. She does a form of therapy called 18 cranio-sacral therapy. It's like a massage. I was 19 receiving a treatment.</p> <p>20 Q. Okay. And those are the only text 21 communications you've had with any Big Sky ski 22 patrollers?</p> <p>23 A. Correct.</p> <p>24 Q. Have you had e-mail communication with 25 any Big Sky ski patrollers?</p> | <p style="text-align: center;">Page 100</p> <p>1 Q. Is that a yes?</p> <p>2 A. Yes, I see it.</p> <p>3 Q. And do you understand that this is an 4 e-mail written by John Meyer?</p> <p>5 A. Yes.</p> <p>6 Q. And Mr. Meyer says, "The day of my 7 accident I was skiing fast, no question about it. 8 But if there had been a fence or markers in front 9 of the cat track I hit, I never would have been 10 skiing that fast." Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. And have you seen this e-mail before?</p> <p>13 A. I don't think so.</p> <p>14 Q. Do you agree that if Mr. Meyer had not 15 been skiing so fast his accident would not have 16 occurred?</p> <p>17 A. I can't say for certain how fast he was 18 skiing immediately before the accident. So I 19 can't --</p> <p>20 Q. You don't know one way or the other?</p> <p>21 A. -- say definitively.</p> <p>22 Q. Do you agree that skiers have to accept 23 personal responsibility for their actions on the 24 ski hill?</p> <p>25 A. I think that's accurate within bounds.</p> |

25 (Pages 97 to 100)

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| Page 101 | Page 103 |
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| <p>1 For instance, if a poorly maintained ski lift 2 breaks down and injures people skiing below it, for 3 instance, I don't think that falls on the skier. I 4 think that would fall on the resort.</p> <p>5 Q. Do you agree that if a skier runs into a 6 plainly visible hazard, that it is the skier's 7 fault?</p> <p>8 A. I think there's more nuance to it than 9 that. For instance, if I ski into a tree but 10 somebody ran into me before I hit the tree, I 11 wouldn't still say it's my fault.</p> <p>12 Q. Okay, understood. Look at Exhibit 24 in 13 front of you.</p> <p>14 A. (Witness complies.)</p> <p>15 Q. Down near the bottom of this slope just 16 above the cat track there are a number of large 17 bushes, do you see those?</p> <p>18 A. Sorry, where are you indicating?</p> <p>19 Q. The bushes above the cat track.</p> <p>20 A. I do see those.</p> <p>21 Q. There's like sort of three larger clumps 22 of bushes, right?</p> <p>23 A. Yes.</p> <p>24 Q. Now if there were no other skiers on the 25 slope and a skier just runs into those, you would</p> | <p>1 agree that Mr. Meyer's negligence contributed to 2 his ski wreck?</p> <p>3 MS. NADOW: Objection, conclusions of law.</p> <p>4 MR. McINTOSH: Go ahead, you can answer.</p> <p>5 MS. NADOW: You can answer.</p> <p>6 THE WITNESS: No. When I described the ski 7 accident to friends and family afterward, I didn't 8 say he was skiing negligently. I acknowledged he 9 was skiing fast but I didn't indicate that he was 10 negligent in his actions that day.</p> <p>11 BY MR. McINTOSH:</p> <p>12 Q. What else did you say when describing 13 this accident to friends and family other than 14 Mr. Meyer was skiing fast?</p> <p>15 A. Mostly I described his injuries. I 16 talked about some of the weird coincidences 17 involved, for instance, the fact that we had been 18 talking about helmets and health care immediately 19 prior to the accident. That was about the extent 20 of it.</p> <p>21 Q. Okay. So you would just tell friends 22 and family that Mr. Meyer was skiing fast and he 23 wrecked and he was seriously injured?</p> <p>24 A. In some conversations I didn't even 25 mention that he was skiing fast, just that he was</p> |
| <p style="text-align: center;">Page 102</p> <p>1 agree that's the skier's fault, right?</p> <p>2 A. Yes, with caveats. There are other 3 things that could be at play, equipment 4 malfunctions. I don't think it's that black and 5 white.</p> <p>6 Q. What else could there be that would not 7 make it the fault of the skier? You mentioned 8 equipment malfunction, is there anything else you 9 can think of?</p> <p>10 A. Just generally uncontrollable variables 11 like other skiers on the mountain, outside of ones 12 direct control.</p> <p>13 Q. Okay. Do you agree that Mr. Meyer's 14 actions contributed to his ski wreck?</p> <p>15 A. Yes.</p> <p>16 Q. Do you agree that Mr. Meyer's negligence 17 contributed to his ski wreck?</p> <p>18 A. I think we'd have to be specific about 19 what you mean by negligence.</p> <p>20 Q. Well, what does it mean to you?</p> <p>21 A. I would define it as something like an 22 outright disregard for one's personal health and 23 safety or the personal health and safety of 24 another.</p> <p>25 Q. Okay. Using that definition, do you</p> | <p style="text-align: center;">Page 104</p> <p>1 in a very serious ski accident.</p> <p>2 Q. Did you say anything else about the 3 cause of the accident to friends and family that 4 you can recall?</p> <p>5 A. I was asked about specifics pretty 6 frequently and I almost always said I didn't see 7 the actual accident so I'm not the best source of 8 information about what exactly led to him landing 9 in a heap at the bottom of the slope.</p> <p>10 Q. Did you ever blame Big Sky when 11 describing the cause of the accident?</p> <p>12 A. Not initially. Later as I came to think 13 about it more and the lawsuit progressed, I did 14 start thinking a little bit more critically about 15 the role of a more than mile long cat track carved 16 out of the middle of a mountain. But initially, I 17 did not.</p> <p>18 Q. So let me just see if I understand this 19 correctly. So before this lawsuit was filed you 20 never blamed Big Sky when describing the cause of 21 the accident to friends and family; is that right?</p> <p>22 A. That's correct. Though I would --</p> <p>23 Q. And you said -- I'm sorry, go ahead.</p> <p>24 A. -- also say early season conditions came 25 up frequently in my conversations.</p> |

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| Page 105 | Page 107 |
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| <p>1 Q. And what do you mean when you say "early 2 season conditions came up"?</p> <p>3 A. Rocks, lack of cover, trees.</p> <p>4 Q. Do you think Big Sky should just close 5 the mountain when there's early season conditions?</p> <p>6 A. I don't think they should close the 7 whole mountain. I think it's appropriate to open 8 the areas that are suitable for skiing. I think 9 that's standard practice among ski areas in the 10 state.</p> <p>11 Q. And you obviously thought this area was 12 suitable for skiing because you went there three 13 times in a row, right?</p> <p>14 A. What's the question?</p> <p>15 Q. You obviously thought this area was 16 suitable for skiing because you went there three 17 times in a row, correct?</p> <p>18 A. I could see how it could be interpreted 19 that way.</p> <p>20 Q. You agree that Mr. Meyer could have 21 skied slower as he approached the cat track, 22 correct?</p> <p>23 A. I don't know how fast he was skiing so I 24 can't really answer that.</p> <p>25 Q. Well, you did see him skiing shortly</p> | <p>1 conversations with Taylor Middleton prior to filing 2 the lawsuit.</p> <p>3 Q. Can you provide any more details about 4 those things that you just mentioned?</p> <p>5 A. From the beginning I think he had a 6 clear understanding that if he was awarded any 7 money as a result of this lawsuit it would be set 8 aside for ski patrollers to receive health care.</p> <p>9 Um, regarding his conversations with Taylor 10 Middleton, I was aware that they had coffee in 11 Bozeman and discussed health care for employees. 12 That's about the extent of what I recall from his 13 conversations with Taylor Middleton.</p> <p>14 Q. Before he filed the lawsuit, did you 15 ever discuss with John Meyer his chances of winning 16 the lawsuit?</p> <p>17 A. I don't know if we ever talked about it 18 directly.</p> <p>19 Q. Go back to Exhibit 26, please.</p> <p>20 A. (Witness complies.)</p> <p>21 Q. This message that John Meyer wrote on 22 November 17 at 12:30 p.m. -- first of all, did you 23 help him prepare this message?</p> <p>24 A. No.</p> <p>25 Q. Did you read it before he sent it?</p> |
| <p style="text-align: center;">Page 106</p> <p>1 before the accident, correct?</p> <p>2 A. I did.</p> <p>3 Q. And you said he was skiing fast, right?</p> <p>4 A. Yes.</p> <p>5 Q. And he could have been skiing slower, 6 right?</p> <p>7 A. Presumably, so. But again, I -- I 8 didn't see if he made turns prior to hitting the 9 cat track. I don't know if he was trying to slow. 10 I just can't say.</p> <p>11 Q. The speed at which he was skiing, that 12 was his choice, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you talk to Mr. Meyer about filing 15 this lawsuit before it was filed?</p> <p>16 A. Yes.</p> <p>17 Q. And what specifically did you discuss 18 with Mr. Meyer about filing the lawsuit?</p> <p>19 A. We talked about the fact that it would 20 complicate my professional life given how small Big 21 Sky is.</p> <p>22 Q. Anything else?</p> <p>23 A. We talked about his plan for a 24 settlement, if it was made what would happen with 25 the award amount and we talked about his</p> | <p style="text-align: center;">Page 108</p> <p>1 A. I don't think I did.</p> <p>2 Q. In the last sentence of the entire 3 e-mail or post, whatever it is, he says, "Of 4 course, I might lose the case but I'd only be out 5 some time," do you see that?</p> <p>6 A. I do.</p> <p>7 Q. Did you discuss with Mr. Meyer that he 8 might lose this case?</p> <p>9 A. Since he devoted so much time to it, I 10 would be surprised if we didn't discuss potential 11 outcomes because he's put significant resources 12 into it. But I can't recall specific conversations 13 we've had around it.</p> <p>14 Q. Okay. Did you discuss with Mr. Meyer 15 him using his position as an attorney and the 16 threat of litigation to get health insurance for 17 employees that he did not represent?</p> <p>18 A. When he was speaking with Taylor 19 Middleton I knew he had discussed health care for 20 the employees. I don't think I knew that barring 21 Mr. Middleton's agreement to move in that direction 22 he would pursue a lawsuit.</p> <p>23 (Whereupon, Deposition 24 Exhibit Number 62 was 25 marked for identification.)</p> |

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| <p style="text-align: center;">Page 109</p> <p>1 BY MR. McINTOSH:</p> <p>2 Q. I want to hand you what I've now marked 3 as Exhibit 62. Well, first of all, just tell me 4 what is Exhibit 62?</p> <p>5 A. This is my resignation letter to Outlaw 6 Partners.</p> <p>7 Q. And it says "Dear Eric," who is Eric?</p> <p>8 A. He is the CEO of Outlaw Partners and the 9 publisher of Explorer Big Sky newspaper.</p> <p>10 Q. What is his last name?</p> <p>11 A. Ladd, L-A-D-D.</p> <p>12 Q. And about three quarters of the way down 13 that first page I highlighted a paragraph for you, 14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. In the first sentence of that paragraph 17 you say, "John's decision after his accident to 18 chase down Big Sky Resort is not one I would have 19 made." Is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. First of all, when did you write this 22 letter to Mr. Ladd?</p> <p>23 A. This would have been December 22nd, 24 2017.</p> <p>25 Q. So right after John Meyer filed a</p> | <p style="text-align: center;">Page 111</p> <p>1 any award or settlement he gets – if there is 2 one – would go toward the people who saved his 3 life." Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. And are you aware that Mr. Meyer has 6 made demands on both of the defendants in this case 7 for money that would go directly to him?</p> <p>8 A. I am aware that though the way John and 9 I have talked about it has more to do with a 10 countersuit filed by Crowley Fleck and his suit 11 against the countersuit, if I'm using the correct 12 terminology. In his mind it's bifurcated.</p> <p>13 Q. Were you done?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Is that a yes?</p> <p>16 A. Yes.</p> <p>17 Q. But that's not true though, is it? Even 18 before he filed the lawsuit he was making demands 19 to Dynafit that they pay him money personally?</p> <p>20 A. I can't say. I'm less familiar with the 21 Dynafit lawsuit.</p> <p>22 Q. Okay. Do you claim that this cat track 23 that Mr. Meyer – either he wrecked above it or he 24 wrecked when he hit it or he wrecked below it, the 25 cat track that Meyer wrecked near, do you claim</p> |
| <p style="text-align: center;">Page 110</p> <p>1 lawsuit?</p> <p>2 A. Within one or two weeks.</p> <p>3 Q. And what did you mean when you said 4 "John's decision after his accident to chase down 5 Big Sky Resort is not one I would have made"?</p> <p>6 A. Just that if I were in his position I 7 probably wouldn't have filed a lawsuit.</p> <p>8 Q. Why?</p> <p>9 A. Oh, I don't enjoy confrontation.</p> <p>10 Lawsuits are long, drawn out, unpleasant things and 11 I know that the skier responsibility code or 12 something to that effect would make for a 13 challenging lawsuit.</p> <p>14 Q. And Mr. Meyer knew that before he filed 15 the lawsuit, correct?</p> <p>16 A. Maybe.</p> <p>17 Q. Did you -- I'll say, did you discuss 18 that with Mr. Meyer, that Montana law would make 19 his lawsuit challenging at best?</p> <p>20 A. That's probably something he actually 21 was more aware of than I, but it's likely we 22 discussed it.</p> <p>23 Q. In the last sentence of that paragraph 24 that I highlighted you said, "But I have never, not 25 for a single second, doubted that the entirety of</p> | <p style="text-align: center;">Page 112</p> <p>1 that that cat track should have been marked?</p> <p>2 A. I'm not an expert on mountain safety but 3 I do believe had it been marked or somehow slowed, 4 orange signage, a way to funnel people to slow 5 down, he probably would have hit it at a slower 6 rate of speed.</p> <p>7 Q. So then do you agree that if he just 8 wouldn't have been skiing so fast this accident 9 would not have occurred?</p> <p>10 A. No, I think there's too many variables 11 to paint it so black and white.</p> <p>12 Q. Please look at Exhibit 25.</p> <p>13 A. (Witness Complies.)</p> <p>14 Q. Do you have that photograph in front of 15 you?</p> <p>16 A. I do.</p> <p>17 Q. And you agree that's a photograph 18 looking downhill from the Highway ski run towards 19 the area of where Mr. Meyer was found after his ski 20 wreck, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you agree that the cat track is 23 plainly obvious, right?</p> <p>24 A. From this vantage it is. But again, 25 this is a 2D representation of a 3D mountain.</p> |

28 (Pages 109 to 112)

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| <p style="text-align: right;">Page 113</p> <p>1 Q. Well, do you claim that you couldn't see 2 the cat track as you were skiing down Highway on 3 December 11, 2015?</p> <p>4 A. I definitely saw it. It was directly 5 below my position after I had located my ski and 6 stepped back into it.</p> <p>7 Q. Was Mr. Meyer going off any jumps before 8 he wrecked on December 11, 2015?</p> <p>9 A. No, not that I remember.</p> <p>10 Q. Have you ever discussed Mr. Meyer's 11 allegation that this cat track should have been 12 marked with any expert?</p> <p>13 A. I have not.</p> <p>14 Q. Do you know if Mr. Meyer has?</p> <p>15 A. I don't know if he has.</p> <p>16 Q. Have you ever seen that cat track marked 17 when skiing at Big Sky?</p> <p>18 A. Not to my recollection.</p> <p>19 Q. And before this lawsuit was filed, did 20 you ever tell Big Sky that that cat track should be 21 marked?</p> <p>22 A. No.</p> <p>23 Q. Do you recall -- strike that.</p> <p>24 How many people were around Mr. Meyer 25 when you skied down to him?</p> | <p style="text-align: right;">Page 115</p> <p>1 people just told him?</p> <p>2 A. I'm not an expert in memory. I can't 3 say how accurate what he knows now or things he 4 knows now is.</p> <p>5 Q. Okay. Let's talk a little bit about 6 your relationship with Mr. Meyer. Now, the two of 7 you were not living together in December of 2015, 8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Tell me how your relationship developed 11 from there?</p> <p>12 A. From after the ski accident?</p> <p>13 Q. Yes, please. Because at the time of the 14 ski accident you two weren't even dating, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. So how did you go from the date 17 of the ski accident to being married today?</p> <p>18 A. I visited him several times at the 19 hospital in Billings and then when he was 20 transferred to the hospital in Missoula for 21 inpatient rehab, I visited him at least once there 22 as well. I think prior to the accident we both 23 recognized there was a connection so much so that 24 someone we met at the writing conference assumed 25 that we had been dating for years at the time we</p> |
| <p style="text-align: right;">Page 114</p> <p>1 A. There was five or six patrollers and 2 maybe a handful of bystanders.</p> <p>3 Q. And did you talk to any of those 4 bystanders?</p> <p>5 A. No.</p> <p>6 Q. It's been reported that a witness named 7 Tom McMakin witnessed the crash. Have you ever 8 spoken with Mr. McMakin?</p> <p>9 A. I have not.</p> <p>10 Q. Do you believe -- as we sit here today 11 do you believe that Mr. Meyer even remembers his 12 ski wreck?</p> <p>13 A. That's a better question for Mr. Meyer. 14 I can't speak to another person's memory. It's 15 such an unpredictable thing sometimes, memory. And 16 I know TBI's can play a big role in how and when 17 and where people remember things.</p> <p>18 Q. You agree though that for a long time 19 after December 11, 2015 Mr. Meyer did not remember 20 the ski wreck, right?</p> <p>21 A. To my recollection he had little memory 22 of that whole day until months after he got out of 23 the hospital. I think it came back over time.</p> <p>24 Q. And how do you know what came back to 25 him is actually what he remembers versus what</p> | <p style="text-align: right;">Page 116</p> <p>1 had met.</p> <p>2 After the ski accident I spent time with 3 him as a friend invested in his recovery and 4 eventually it became romantic and we got engaged.</p> <p>5 Q. When did it become romantic?</p> <p>6 A. Like January or early February of 2016.</p> <p>7 Q. And what was Mr. Meyer's condition at 8 that time?</p> <p>9 A. Physically he was in much better shape. 10 He'd had several surgeries on various specifics 11 from the injury. He had recovered reasonably well 12 in terms of being able to get out and walk and move 13 around. Mentally he was still struggling a lot 14 with bouts of being emotional. He was struggling 15 with his memory. He became exhausted very easily 16 and felt like his whole mental condition was just 17 sluggish relative to what it had been before the 18 accident. He had a hard time speaking at length 19 and he couldn't use the vocabulary he had enjoyed 20 prior to the accident for quite awhile after.</p> <p>21 Q. When did the two of you start living 22 together?</p> <p>23 A. That would have been late spring, either 24 March or April of 2016.</p> <p>25 Q. And where were the two of you living</p> |

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| <p style="text-align: right;">Page 117</p> <p>1 together?</p> <p>2 A. At the residence south of Big Sky, 37315</p> <p>3 Gallatin Road.</p> <p>4 Q. And have you been living together ever</p> <p>5 since then?</p> <p>6 A. Yes.</p> <p>7 Q. And how well did you know Mr. Meyer</p> <p>8 before the accident? Let me ask it differently.</p> <p>9 Was the only time that you had spent time with</p> <p>10 Mr. Meyer prior to the accident at this writers</p> <p>11 conference that you described?</p> <p>12 A. No, we had communicated via text and</p> <p>13 perhaps also e-mail prior to the December 11th</p> <p>14 accident. We had also gone out for dinner once in</p> <p>15 Bozeman and once in Missoula.</p> <p>16 Q. Okay. So the times that you had been</p> <p>17 actually physically together prior to December 11,</p> <p>18 2015 were at this writers conference and then once</p> <p>19 in dinner in Bozeman and once in dinner in</p> <p>20 Missoula?</p> <p>21 A. There was also a day trip we took to a</p> <p>22 hot springs outside of Missoula.</p> <p>23 Q. Okay. Any other times you were</p> <p>24 physically in the same location with Mr. Meyer</p> <p>25 before December 11, 2015?</p> | <p style="text-align: right;">Page 119</p> <p>1 Have you told me all of the ways that, from your</p> <p>2 perspective, he has not fully recovered from his</p> <p>3 injuries?</p> <p>4 A. It was a traumatic injury. I think</p> <p>5 there's a lot that comes with being in ICU for so</p> <p>6 long and having such extensive medical</p> <p>7 intervention. So I imagine that's impacted in ways</p> <p>8 that might not be immediately obvious to me. I</p> <p>9 think he still feels like he was a sharper, more</p> <p>10 psychologically adept lawyer prior to his accident.</p> <p>11 Q. Do you believe that the ski wreck is</p> <p>12 still mentally impairing Mr. Meyer?</p> <p>13 A. He still brings it up with me maybe once</p> <p>14 or twice a month. He still says he just doesn't</p> <p>15 think as quickly as he used to. Since I never seen</p> <p>16 him in action with his law practice prior to the</p> <p>17 accident, I can't say for certain how much that has</p> <p>18 changed.</p> <p>19 Q. Okay. Mr. Meyer still skis and mountain</p> <p>20 bikes and climbs, correct?</p> <p>21 A. He still does all those things.</p> <p>22 Q. Do you climb with him?</p> <p>23 A. On occasion I do.</p> <p>24 Q. Indoors or outdoors?</p> <p>25 A. Mostly indoors, a couple times outside.</p> |
| <p style="text-align: right;">Page 118</p> <p>1 A. Not that I recall.</p> <p>2 Q. Okay. From your perspective has</p> <p>3 Mr. Meyer fully recovered from the injuries from</p> <p>4 his ski wreck?</p> <p>5 A. No.</p> <p>6 Q. Okay. Tell me how you believe he has</p> <p>7 not fully recovered?</p> <p>8 A. His lungs still bother him sometimes.</p> <p>9 He feels like his cardiovascular capacity has</p> <p>10 diminished. Right now he still struggles with</p> <p>11 confidence for things, for sports that before were</p> <p>12 quite natural for him and came quite easily. Much</p> <p>13 of his erratic behavior, especially in the year or</p> <p>14 two immediately afterward, could be attributed to</p> <p>15 the ski accident. I didn't know him as well as his</p> <p>16 family members but his family has told me that in</p> <p>17 the years after John did act differently.</p> <p>18 Q. Has the erratic behavior subsided or</p> <p>19 gone away now?</p> <p>20 A. It's lessened. I don't know that it's</p> <p>21 entirely absolved.</p> <p>22 Q. Okay. So you've told me that</p> <p>23 Mr. Meyer's lungs still bother him some, that he</p> <p>24 struggles with confidence with sports, and that he</p> <p>25 has some erratic behavior although it has lessened.</p> | <p style="text-align: right;">Page 120</p> <p>1 Q. What grade can Mr. Meyer climb? And I</p> <p>2 mean currently?</p> <p>3 A. Yeah. Inside he can climb 5.11 minus.</p> <p>4 Outside he's probably closer to 5.10 minus.</p> <p>5 Q. Is that -- well, had you ever climbed</p> <p>6 with him prior to the accident?</p> <p>7 A. I had not.</p> <p>8 Q. So do you know if his climbing has been</p> <p>9 impacted at all by this ski accident?</p> <p>10 A. I know that the plate in his arm has</p> <p>11 bothered him on and off as well as the plate in his</p> <p>12 collar bone in terms of impacting his stamina or</p> <p>13 his strength or perceived strength.</p> <p>14 Q. What other --</p> <p>15 A. He's more --</p> <p>16 Q. I'm sorry, go ahead.</p> <p>17 A. -- reluctant to really weight his left</p> <p>18 arm the way he did before I think.</p> <p>19 Q. Okay. What other activities,</p> <p>20 recreational activities does Mr. Meyer's engage in</p> <p>21 other than what we've talked about?</p> <p>22 A. He runs and hikes. Very occasionally he</p> <p>23 ice climbs.</p> <p>24 Q. I think I asked you this before, so I</p> <p>25 apologize if this is a repeat but, you don't know</p> |

30 (Pages 117 to 120)

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| <p style="text-align: right;">Page 121</p> <p>1 exactly where Mr. Meyer skied from the run Highway 2 onto the cat track, do you?</p> <p>3 A. I don't.</p> <p>4 Q. Are you aware of any facts to support 5 Mr. Meyer's claim that Big Sky ski patrol runs out 6 of signs?</p> <p>7 A. I recall him talking about an e-mail he 8 received from a patroller indicating as much.</p> <p>9 Q. Okay. Anything else?</p> <p>10 A. No.</p> <p>11 Q. Do you know any ski patrollers or 12 professional -- or any current or former ski 13 patrollers at Big Sky personally?</p> <p>14 A. I have a friend who's a former patroller 15 and an acquaintance who's also a former patroller.</p> <p>16 Q. Who are those people?</p> <p>17 A. Emily Stifler Wolfe and Pete Harned.</p> <p>18 Q. Have you ever spoken with Emily Stifler 19 Wolfe or Pete Harned about Mr. Meyer's ski wreck?</p> <p>20 A. I don't think we've talked about it at 21 length, but I'm sure it's come up just because of 22 the large role it's played in my life and our life 23 together, our lives together rather.</p> <p>24 Q. Can you provide any more details about 25 the conversations you would have had with either</p> | <p style="text-align: right;">Page 123</p> <p>1 A. I think John might have been trying to 2 gauge her interest in writing a story about the 3 accident and the lawsuit and she politely indicated 4 that she was not interested in writing anything.</p> <p>5 Q. Have you ever spoken with any current or 6 former ski patroller about whether or not this area 7 should have been marked?</p> <p>8 A. I personally have not.</p> <p>9 Q. Has Mr. Meyer, to your knowledge?</p> <p>10 A. I don't know if he has or not.</p> <p>11 Q. Okay.</p> <p>12 A. I'm not sure.</p> <p>13 Q. Have you ever discussed with any current 14 or former ski patroller the allegation that Big Sky 15 runs out of signs?</p> <p>16 A. I personally have not.</p> <p>17 Q. Have you written any articles about 18 Mr. Meyer's ski wreck or his lawsuit?</p> <p>19 A. No.</p> <p>20 Q. Did you help Mr. Meyer prepare his press 21 release about the lawsuit?</p> <p>22 A. No.</p> <p>23 Q. So going back to Exhibit 62, did you 24 actually resign from Outlaw or were you fired or 25 how did that separation come about? Or how would</p> |
| <p style="text-align: right;">Page 122</p> <p>1 Ms. Stifler Wolfe or Pete Harned?</p> <p>2 A. I don't think I've ever talked with Pete 3 about John's accident. John and Pete have 4 definitely spoken about it. With Emily, I first 5 met her probably four months after the accident, so 6 I imagine I probably just gave her some context and 7 painted a general picture of the extent of his 8 injuries.</p> <p>9 Q. Anything else?</p> <p>10 A. John and I happen to see her at the 11 airport when we were flying back into the Bozeman 12 airport. This would have been probably about a 13 year ago. And I think John mentioned something 14 about his accident then, though I don't recall the 15 details of what they discussed. It was a brief 16 conversation as we were walking to our car.</p> <p>17 Q. Do you remember anything that she said?</p> <p>18 A. She had also been injured at Big Sky 19 Resort and she said something to the effect of "I 20 was lucky it happened while I was working otherwise 21 I don't know how I would have afforded the care 22 that followed." I believe she was referencing some 23 sort of knee injury.</p> <p>24 Q. Do you remember anything else that she 25 said?</p> | <p style="text-align: right;">Page 124</p> <p>1 you characterize it, is probably the better 2 question?</p> <p>3 A. After this story that Sarah Gianelli 4 wrote was pulled, Eric Ladd, the CEO called for a 5 meeting between the editorial team and the 6 executive team the following day. During that 7 meeting our exchange got to be quite heated and in 8 the course of that meeting I told Eric that I quit.</p> <p>9 Q. Why were your interactions becoming 10 heated?</p> <p>11 A. I think Eric made the discussion much 12 more personal than it needed to be. I think he was 13 irresponsible in how he handled the conversation 14 and I think I lost a lot of respect for him as an 15 employee to the point that I no longer wanted to 16 work for him.</p> <p>17 (Whereupon, Deposition 18 Exhibit Number 63 was 19 marked for identification.)</p> <p>20 BY MR. McINTOSH:</p> <p>21 Q. I'm handing you what has been marked as 22 Exhibit 63. Is Exhibit 63 a copy of the article 23 written by Sarah Gianelli that you just referenced?</p> <p>24 A. Yes.</p> <p>25 Q. And just so we're clear, this article</p> |

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| <p style="text-align: right;">Page 125</p> <p>1 was never published; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And you were going to publish it and</p> <p>4 then Mr. Ladd pulled the article; is that correct?</p> <p>5 A. The ultimate call went to my superior</p> <p>6 Tyler Allen, who was at the time the lead employee</p> <p>7 of the editorial team.</p> <p>8 Q. You said Tyler, what was the last name,</p> <p>9 Allen?</p> <p>10 A. Yes, A-L-L-E-N.</p> <p>11 Q. Is that the same person who suggested</p> <p>12 that you ski the Challenger area on December 11,</p> <p>13 2015?</p> <p>14 A. Yes.</p> <p>15 Q. In the second to last paragraph of this</p> <p>16 article that's now been marked Exhibit 63, there's</p> <p>17 a quotation from Mr. Meyer and it says, "I was</p> <p>18 skiing fast the day of the accident but I was in</p> <p>19 control. If the ski patrol had been given adequate</p> <p>20 materials to mark the areas," et cetera, do you see</p> <p>21 that paragraph?</p> <p>22 A. I do.</p> <p>23 Q. Do you know where Ms. Gianelli obtained</p> <p>24 that quotation from Mr. Meyer?</p> <p>25 A. She interviewed him.</p> | <p style="text-align: right;">Page 127</p> <p>1 Q. Is he a friend of Mr. Meyer's as well?</p> <p>2 A. They don't know each other very well.</p> <p>3 Q. Did you help put Mr. Meyer in touch with</p> <p>4 John Adams so that the Montana Free Press could</p> <p>5 publish an article about his lawsuit?</p> <p>6 A. No. To my -- well, to my recollection</p> <p>7 they've never interacted about the lawsuit. When</p> <p>8 John filed for congress, they might have spoken</p> <p>9 about an interview, but I don't think they ever had</p> <p>10 any correspondence about the lawsuit.</p> <p>11 Q. And just so we're clear, on Exhibit 64</p> <p>12 all of -- where it says Amanda and then there are</p> <p>13 messages or words below that, that's what you</p> <p>14 wrote; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And this was on Facebook messages</p> <p>17 apparently?</p> <p>18 A. Yes.</p> <p>19 Q. Mr. Meyer has claimed that a -- that</p> <p>20 when he was talking to a ski patroller the ski</p> <p>21 patroller encouraged him to file a -- this lawsuit</p> <p>22 to help them obtain health care benefits, are you</p> <p>23 aware of that?</p> <p>24 A. He mentioned in passing one day a</p> <p>25 conversation he had with a patroller at a grocery</p> |
| <p style="text-align: right;">Page 126</p> <p>1 Q. Did you put her in touch with him for</p> <p>2 the interview?</p> <p>3 A. I think I gave her his contact</p> <p>4 information.</p> <p>5 Q. How did she conduct the interview if you</p> <p>6 know?</p> <p>7 A. I can't recall. It was either in person</p> <p>8 or over the phone.</p> <p>9 (Whereupon, Deposition</p> <p>10 Exhibit Number 64 was</p> <p>11 marked for identification.)</p> <p>12 BY MR. McINTOSH:</p> <p>13 Q. I'm now going to hand you what's been</p> <p>14 marked as Exhibit 64. Can you describe to me what</p> <p>15 Exhibit 64 is?</p> <p>16 A. It's a correspondence between myself and</p> <p>17 two mentors in the journalism industry.</p> <p>18 Q. Who are they?</p> <p>19 A. Carol Van Valkenburg is a professor of</p> <p>20 journalism at the University of Montana. She led</p> <p>21 my senior, sort of, thesis class and is well versed</p> <p>22 in journalism ethics. John Adams is now the</p> <p>23 publisher and founder of Montana Free Press.</p> <p>24 Q. And is John Adams a friend of yours?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 128</p> <p>1 store in Bozeman. But I'm not certain if that's</p> <p>2 the conversation you're referencing.</p> <p>3 Q. Have you ever been with Mr. Meyer when a</p> <p>4 ski patroller allegedly told him that I wouldn't</p> <p>5 mind if you filed this lawsuit to get us health</p> <p>6 care benefits or something like that?</p> <p>7 A. I have not been present for that</p> <p>8 conversation, no.</p> <p>9 Q. And have you helped Mr. Meyer promote</p> <p>10 this lawsuit in any way?</p> <p>11 A. No.</p> <p>12 Q. Have you helped Mr. Meyer with this</p> <p>13 lawsuit in any other way?</p> <p>14 A. As his spouse I'm sometimes his sounding</p> <p>15 board. But in terms of the logistical details of</p> <p>16 the lawsuit, I have not assisted him.</p> <p>17 Q. Have you helped Mr. Meyer write any</p> <p>18 articles or proof read any articles that he has</p> <p>19 written about this lawsuit?</p> <p>20 A. I don't think he's written any, not to</p> <p>21 my recollection. So, no.</p> <p>22 Q. Is there anything else about this</p> <p>23 lawsuit or about Mr. Meyer's ski wreck or his</p> <p>24 injuries that we haven't discussed here today that</p> <p>25 you believe is important?</p> |

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| <p>1 A. I would just like to say that I knew it 2 would be challenging for me as an editor at Outlaw 3 Partners when he decided to file the lawsuit and 4 that I tried to approach the matter with as much 5 ethical integrity as possible. I don't think it 6 would have been responsible to ignore it entirely 7 and I tried to minimize my role in how it was 8 reported.</p> <p>9 Q. Okay. Anything else?</p> <p>10 A. No.</p> <p>11 Q. Thank you, Ms. Eggert. I think that's 12 all the questions I have right now. Mr. Condra may 13 have some questions for you.</p> <p>14 A. May I take a break?</p> <p>15 Q. Of course, yes.</p> <p>16 (Whereupon, a brief 17 recess was taken.)</p> <p>18 EXAMINATION</p> <p>19 BY MR. CONDRA:</p> <p>20 Q. Are we ready to go back on the record?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Ms. Eggert, my name is Brad 23 Condra and I represent Salewa USA, LLC. For 24 purposes of making our record more clear than it 25 might otherwise be, I'm going to refer to Salewa as</p> | <p>1 A. No.</p> <p>2 Q. Okay. Prior to your marriage to 3 Mr. Meyer, what did he tell you about his belief 4 that his ski bindings, his Dynafit ski bindings 5 somehow played a role in his accident?</p> <p>6 A. We discussed the possibility that they 7 prereleased playing a role in the accident.</p> <p>8 Q. If you could, add a little more context 9 to me -- or for me about that discussion. What did 10 you discuss about the possibility of a prerelease 11 scenario?</p> <p>12 A. Can you word it a different way?</p> <p>13 Q. Yeah, it's a poor question.</p> <p>14 Tell me about your conversation with 15 Mr. Meyer about the possibility -- possibility that 16 his bindings prereleased?</p> <p>17 A. We talked about the possibility of him 18 ejecting out of his ski with little or no force in 19 a way that would have caused him to lose control.</p> <p>20 Q. Did he tell you that he thought he had 21 ejected from his ski using little to no force or 22 was it just probabilities and possibilities that 23 you were talking about?</p> <p>24 A. I don't think he knows for certain, so. 25 So I don't think he ever came to a definitive</p> |
| <p style="text-align: center;">Page 130</p> <p>1 Dynafit; is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. You understand that Dynafit is the 4 manufacturer of the bindings that your now husband 5 was using on the date of his accident?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And how do you have that 8 understanding?</p> <p>9 A. Well, we lived in the same house, so his 10 skis lived where my skis lived and I had a look at 11 them several times.</p> <p>12 Q. Okay. Have you ever spoken with anyone 13 in Dynafit after Mr. Meyer's accident regarding his 14 ski bindings?</p> <p>15 A. No, not that I recall.</p> <p>16 Q. Have you ever spoken with a man named 17 Drew Sanders?</p> <p>18 A. Doesn't ring any bells.</p> <p>19 Q. Have you ever spoken with a man named 20 Scott Knight?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Okay. When this matter goes to trial, 23 do you intend to hold yourself out to the jury in 24 this case as an expert in ski binding design, 25 maintenance or manufacture?</p> | <p style="text-align: center;">Page 132</p> <p>1 conclusion about it.</p> <p>2 Q. Are you aware of any facts to support 3 the contention that Mr. Meyer's bindings somehow 4 caused his accident?</p> <p>5 A. Yes. In the last two years maybe I've 6 talked to other skiers who ski Dynafit bindings who 7 have mentioned an unexpected prerelease of the 8 binding. And I'm also aware of a blog post that 9 was put up by Wildsnow referencing some upgrades 10 that happened to that particular model of binding. 11 John was in contact with the author of that post, 12 but I don't recall the gist of it really.</p> <p>13 Q. Anything else?</p> <p>14 A. The question one more time?</p> <p>15 Q. Sure. Are you aware of any facts to 16 support the contention that Mr. Meyer's bindings, 17 the specific bindings he was using on the day of 18 his accident, somehow caused the accident?</p> <p>19 A. Nothing beyond what I just stated.</p> <p>20 Q. Okay. And so to summarize what I think 21 you just told me, there's a Wildsnow blog post, 22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And then you have also had conversations 25 with skiers on other Dynafit bindings who</p> |

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| <p style="text-align: right;">Page 137</p> <p>1 other things. That's all I have for you today, 2 Ms. Eggert. You have an opportunity to read and 3 sign the deposition transcript or you can -- I 4 think you can waive that as well. It's up to you. 5 So I'll let you make arrangements with the court 6 reporter to do that.</p> <p>7 MS. NADOW: And we can take this with us? 8 MR. McINTOSH: No, that's the original. 9 MS. NADOW: Oh, do you have a copy which I 10 can take? 11 MR. McINTOSH: Do I have a copy of the 12 deposition exhibits? 13 MS. NADOW: Yeah, could you make me a copy of 14 the deposition exhibits? 15 MR. McINTOSH: Yeah, she'll give you the copy 16 of these ones. Do you mean these ones or the old 17 ones? 18 MS. NADOW: The whole binder of exhibits that 19 we used. 20 MR. McINTOSH: I think Mr. Meyer should have 21 a copy of it. 22 MS. NADOW: I'm not sure that you passed that 23 on to him quite yet. 24 MR. McINTOSH: He should have got it from the 25 court reporter.</p> | <p style="text-align: right;">Page 139</p> <p>1 DEPONENT'S CERTIFICATE 2 PAGE LINE CORRECTION 3 4 5 6 7 8 9 10 11 12 13 14 I, AMANDA EGGERT, the deponent in the 15 foregoing deposition, DO HEREBY CERTIFY, that I 16 have read the foregoing -139- pages of typewritten 17 material and that the same is, with any corrections 18 thereon made in ink on the correction sheet and 19 signed by me, a full, true and correct transcript 20 of my oral deposition given at the time and place 21 hereinbefore mentioned. 22 DATED this _____ day of _____, 2019. 23 24 25 _____ AMANDA EGGERT</p> |
| <p style="text-align: right;">Page 138</p> <p>1 MR. CONDRA: Yeah, he's got to get it from 2 the court reporter. We can go off the record if 3 you want? 4 MR. McINTOSH: Yeah, we can go off the 5 record.</p> <p>6 7 (Whereupon, the taking 8 of this deposition was 9 concluded at 3:16 p.m.)</p> <p>10 11 SIGNATURE RESERVED 12 13 * * * * * * * * * 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p style="text-align: right;">Page 140</p> <p>1 C E R T I F I C A T E 2 STATE OF MONTANA) 3) ss. 4 COUNTY OF GALLATIN) 5 I, Marla Jeske, Court Reporter - Notary 6 Public, CSR, in and for the County of Gallatin, 7 State of Montana, do hereby certify: 8 That the witness in the foregoing 9 deposition was by me first duly sworn to testify 10 the truth, the whole truth and nothing but the 11 truth in the foregoing cause; that the deposition 12 was then taken before me at the time and place 13 herein named; that the deposition was reported by 14 me in shorthand and later transcribed into 15 typewriting under my direction, and the foregoing 16 pages contain a true record of the testimony of the 17 witness, all done to the best of my skill and 18 ability. 19 IN WITNESS WHEREOF, I have hereunto set 20 my hand and affixed my notarial seal this _____ day 21 of _____, 2019. 22 23 Notary Public for the State of Montana 24 residing at: Bozeman 25 My commission expires: February 04, 2023</p> |

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